

WHEREAS, in the opinion of the County Auditor, the public interests required that the Lake County Council, should be called to meet in regular session at this time, for the purpose of considering additional appropriations, a written notice was sent to each member of the Council, and proper advertisement made, and all other acts performed in accordance with the laws governing such matters.

And now in obedience to such call, come Larry Blanchard, President, Thomas O'Donnell, Ernie Dillon, Elsie Franklin, Jerome A. Prince, Christine Cid, and Ted Bilski, County Councilpersons, together with Ray Szarmach, County Council Attorney.

A prayer was said for the families of Spc. Joseph Hernandez from Hammond, and the soldier from Hobart, IN, who were killed in the war.

In the Matter of Minutes of the Lake County Council for November 6, 2008, Special Meeting, November 10, 2008, November 21, 2008, Budget Workshop, November 22, 2008, Budget Workshop, November 25, 2008, Second Reading of 2009 Budget, December 10, 2008, December 17, 2008, Special Meeting, and January 13, 2009.

O'Donnell made a motion, seconded by Prince to defer to 2-10-09. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Reorganization - President.

Bilski nominated Councilman Larry Blanchard to be Council President for 2009.

Bilski made a motion, seconded by Dillon to close the nominations. All voted "Yes" to close the nominations. Motion carried 7-0.

Bilski made a motion, seconded by Dillon to approve Councilman Larry Blanchard as President of the Lake County Council for 2009. All voted "Yes". Motion carried 7-0.

Councilman Larry Blanchard is Council President for the Year 2009.

In the Matter of Reorganization - Vice President.

Franklin nominated Thomas O'Donnell to be Council Vice President for 2009.

Blanchard made a motion, seconded by Prince to close the nominations. All

voted "Yes". Motion to close the nominations carried 7-0.

Prince made a motion, seconded by Bilski to approve Councilman Thomas O'Donnell as Vice-President of the Lake County Council for Year 2009. All voted "Yes". Motion carried 7-0.

Councilman Thomas O'Donnell is Council Vice-President for Year 2009.

ORDINANCE NO 1307

Section 1. Be It Ordained by the County Council of Lake County, IN., that for the expenses of the County Government and its institutions, the following sums of money are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein appropriated, and shall be held to include all expenditures authorized to be made during the year unless otherwise expressly stipulated and provided by law.

Appropriated	Appropriation Requested
General Fund 001	
<u>PTBOA</u> 2505	
43190 Other Professional Service	\$ 30,000.00
NO ACTION	
Gambling Adm Tax Fund 196	
<u>Commissioners</u> 2900	
44310 Improvements	\$2,000,000.00
Defer to 2-10-09	
Cum Cap Dev Fund 651	
<u>Commissioners</u> 2900	
44310 Improvements	\$ 200,000.00
Defer to 2-10-09	
Emergency Local Planning Fund 185	
<u>Local Emergency Planning Committee</u> 3501	
Create All New Line Items	
42110 Office Supplies	\$ 1,793.18
\$ 1,793.18	

42120	Lit, Edu, Info & Ref Materials	\$ 14,211.06
	\$ 14,211.06	
42410	Other Supplies	\$ 1,841.60
	\$ 1,841.60	
43220	Postage	\$ 654.71
	\$ 654.71	
43231	Travel-Registration	\$ 591.56
	\$ 591.56	
43232	Travel-Meals	\$ 741.37
	\$ 741.37	
43233	Travel-Lodging	\$ 1,224.08
	\$ 1,224.08	
43234	Travel-Trans/Other	\$ 1,648.77
	\$ 1,648.77	
43235	Travel-Mileage	\$ 1,159.78
	\$ 1,159.78	
43240	Telephone	\$ 1,259.40
	\$ 1,259.40	
43310	Printing	\$ 1,808.75
	\$ 1,808.75	
43620	Equipment Repair	\$ 1,528.68
	\$ 1,528.68	
43910	Dues & Subscriptions	\$ 1,109.39
	\$ 1,109.39	
44410	Furniture & Fixtures	\$ 1,176.56
	\$ 1 176.56	
44420	Office Machines	\$ 3,441.79
	\$ 3,441.79	
44490	Other Equipment	\$ 11,882.03
	\$ 11,882.03	

Reassessment 2005 Fund 237

Assessor 0900

43190	Other Professional Service	\$336,000.00
	\$336,000.00	
43190	Other Professional Service	\$ 43,750.00
	\$ 43,750.00	

TRANSFER OF FUNDS CERTIFICATE

I, the proper legal officer of Lake County Council, Lake County, IN., hereby certify to the Auditor of Lake County, that the Lake County Council, approved the following transfers:

Approved	Requested
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Assessor 0900
From: 001-43630 Maintenance & Serv \$ 600.00
To: 001-43620 Equipment Repair \$ 600.00
WITHDRAWN

Coroner 0700
From: 001-41110 Officials & Admin \$ 885.00
To: 001-41100 Overtime \$ 885.00
\$ 885.00

Election & Registration 2100
From: 001-41100 Overtime \$ 901.00
To: 001-41160 Office & Clerical \$ 901.00
\$ 901.00

County Court Div III 4050
Supplemental Public Defender Fee Fund 405
Create 2 New Line Items
From: 405-41190 Part-Time \$ 2,750.00
To: 405-41390 Supplemental Pay \$ 2,500.00
\$ 2,500.00
405-41230 PERF \$ 250.00
\$ 250.00

and that such transfer does not necessitate expenditure of more money than was set out in detail in the budget as finally approved by the State Board of Tax Commissioners.

This transfer was made at a regular public meeting according to proper ordinance, a copy of which is attached to this certificate.

Dated this 13th day of January, 2009.

Adopted this 13th day of January, 2009.

NAY

AYE

Blanchard

Larry

Thomas O'Donnell

Ernie

Dillon

Elsie

Franklin

Jerome A. Prince

Christine Cid

Ted

Bilski

ATTEST:

Peggy Holinga Katona,
Lake County Auditor

Additional

Made motion seconded

General fund

PTBOA(\$30,000) NO ACTION

Gambling adm tax fund 196

Commissioners(\$2,000,000)

Prince

Cid

All voted

“Yes” to defer to 2-10-09.

Motion to

defer carried 7-0.

Cum Cap Dev Fund 651

Commissioners(\$200,000)

Prince

Cid

All voted

“Yes” to defer to 2-10-09,

Motion to

defer carried 7-0.

Emergency Local Planning Fund 185

Local Emergency Planning

Committee(\$46,108.71)

Prince

O'Donnell

All voted

“Yes” to create all new line

Items and approve.

Motion carried 7-0.

Reassessment 2005 Fund 237

Assessor(\$336,000)

Bilski

Dillon

All voted

“Yes” to approve. Motion

Carried 7-0.

Assessor(\$43,750)

Bilski

Dillon

All voted

“Yes” to approve. Motion

Carried 7-0.

Transfer

made motion seconded

Assessor(\$600) WITHDRAWN

Coroner(\$885)

Cid

Dillon

All voted

“Yes” to approve, and that

retroactive to 2008. Motion

It be

Election & Registration(\$901)
“Yes” to approve, and that

Franklin

Cid

Carried 7-0.
All voted

retroactive to 2008. Motion

It be

Carried 7-0.

County Court Div III
Suppl Public Defender Fee
Fund 405

Dillon

Cid

All voted

“Yes” to approve &

items, except

“abstain”. Motion to

yes, 1-abstention.

Create 2 new line

O’Donnell,

Approve carried 6-

In the Matter of Revised 144 for Juvenile Court, Prosecutor, Assessor, and County Court Div III.

Re: Juvenile Court - Bilski made a motion, seconded by Prince to approve and that it be effective 1-1-09.

All voted “Yes”. Motion to approve carried 7-0.

<u>Rev 144- Fund 144- Eff 1-1-09</u>	<u>Present</u>	<u>Proposed</u>
<u>Difference</u>		
39001-001 Suppl Pay	\$726	\$691
- \$ 35		
39002-002 Suppl Pay	\$1,575	\$1,500
- \$ 75		
39002-003 Suppl Pay	\$2,667	\$2,540
- \$127		
39002-004 Suppl Pay	\$3,150	\$3,000
- \$150		
39002-008 Suppl Pay	\$3,000	-0-
- \$3,000		

Re: Prosecutor - Franklin made a motion, seconded by Dillon to approve. All voted “Yes”. Motion to

Approve carried 7-0.

<u>Revised 144 - Fund 104</u>	<u>Pres Salary Range</u>	<u>Proposed</u>
<u>Difference</u>		
12501-051 Deputy	\$64,000-\$67,980	\$67,980-

	\$70,000	\$2,020		
12501-052 Deputy			\$43,000-\$51,500	\$51,500-
	\$56,500	\$5,000		

Re: Assessor - Bilski made a motion, seconded by Dillon to approve.

Cid asked Bilski are we considering hiring the 2 current positions?

Bilski said he believes they approved 9 positions. The other positions have been fulfilled, and those positions were part of House Bill 1001. Those are the 9 positions that we approved during the 2009 budget deliberations of which we did say that they had the authority to hire by the end of the year, so we did give approval to fill those positions before the end of the year, based on the budget.

Cid said I disagree with you there. I think they have permission to hire from the current North Township Assessor' staff. This is giving them the permission to fill the vacant position that we currently have. They would be vacant.

Bilski said that we would give approval going retro for the 3 positions currently being held, and those folks were hired last Monday.

Blanchard said that's the issue we just got for the study session. This is an addition.

Bilski said I don't think it is.

Blanchard said I think I have the support of the Council on this issue. Unless it's an absolute dire emergency, there will be no additions after the Wednesday, prior to our Study Session, which is on a Thursday, unless it's an emergency because there is a lot of information and it's difficult to absorb it all. We want to take the right vote. I think this is the right thing to do, but I don't know myself, if I took a vote that I would be totally certain that the elimination of one position is going to fill the other position at the higher salary to do what. Some people provide us with job descriptions, others don't. Is there any way that this could wait until the next meeting?

Sherry said people have already been working since January.

Blanchard said I'm not asking about them.

John Kersteff said that one position, he is working for Lake County, he is in Crown Point.

Sherry said it's a transfer from Center Township, a certified appraiser.

Blanchard said that's the information we needed in advance. Is this an emergency that you need to do right now?

Sherry said he is already in there.

Blanchard asked, you already hired him?

Sherry answered, yes.

Bilski said, my opinion, he is one of the four.

John said we can get it to you, he has been appraising most of his working life.

Bilski said I think there was some confusion on the fact that there were 9 positions that were granted for 2009. We were not going to meet prior to the first of January. I believe that the permission, in my opinion was given to the Assessor' Office to have those positions filled and taken care of so they could hit the ground running January 1st with the elimination of the North Township Assessor' Office.

I guess the only conflict would be that those who were not in-house transfers, we have current employees of Lake County, we've had, that's where, I guess it becomes a conflict. In my opinion, when we granted the budget and told them to fill the positions by January 1st, that we gave approval for it.

Sherry said we can either hire people that couldn't do the work, and fill those positions, or hire could hire the people who could do the work and fill those positions.

Cid said with all due respect, I disagree, I believe that when we passed the Assessor' budget, what the law said was that he was to, from the North Township Assessor' staff, he would hire from that too. Whether he wanted to, they had the right to apply, and they did, and then he had the right to hire. Anytime we have an opening, a vacant position, which they left some of those, we gave him the positions, but they left them vacant. Anytime we leave those positions vacant, we have a hiring freeze, and ordinance. The ordinance is currently in, you have to come before this Council to bring anybody from the outside on to county payroll, that's the way I understand our ordinance.

Attorney Szarmach said it's a mechanical problem. If there is a vacancy, the computer downstairs will not put somebody on payroll, unless there is an approval here to fill the vacancy, per our restricted hiring freeze ordinance. That's it. You need to come before the Council, get permission to put him on, then payroll will put him on the computer. It's strictly technical. So we're filling...

Sherry said I don't understand, they just passed for Ross Township to hire 2 outside people, here we eliminated half of North Township, we could have brought them all, and said, no we're keeping all of them,

O'Donnell said Randy did it before he hired the person.

Sherry said we were told not to, we were told not to, or we would have. We were, this is all part of the end of the year budget stuff. We had these positions, we didn't take over North until December 31st, so we really couldn't hire anybody until January 1st, and so we were trying to get the right people to do the right job, and had the qualifications, and that's all we were trying to do, and we were told to do different things.

O'Donnell said that Blanchard said it best that this is probably the right thing to do, and I know Bilski wants to do the right thing. We all got this at the beginning of this meeting, without a.. I'm not clear, not that it really matters, but I've never seen a Revised 144 with the person's name on it, that I can remember..

Sherry said we were told to do that.

O'Donnell said, so I don't know if that's the guy we're removing, I don't know.

Blanchard said we don't really care about names.

Dante said it was the intent of the Council not to get, or engage in personnel issues. I was there from day one, and get these tax bills out so I have some money to operate this place, and the law clearly backs him up. Clearly it says that he is engaged, got his fingerprints all over his personnel positions, and not to have the Council engaged, please do not get engaged in personnel issues, please. I remember that, I was there.

Bilski said for right now, I would like to have the Revised 144, and an increase on that Data Clerk position, and the transfer, the revised 144 would come from that Deputy position, which is a savings of \$14,646.

All voted "Yes". Motion carried .

<u>Revised 144</u>		<u>Present</u>	<u>Proposed</u>
	<u>Difference</u>		
001-0900-16710-1 Data Clerk	\$9,980	\$26,073	\$36,073
001-0900-13153-7 Deputy		\$24,626	-0-
	-\$24,626		

Re: County Court Div III - Dillon made a motion, seconded by Cid to approve. All voted "Yes", except O'Donnell, "abstain". Motion to approve carried 6-yes, 1-abstention. Carried 7-0.

<u>Revised 144</u>		<u>Present</u>	<u>Proposed</u>
	<u>Difference</u>		
39002-001 Supplemental Pay	\$2,500	-0-	\$2,500

In the Matter of Ord# 1301D Restricting Hiring (1) for Coroner - 001-0700-13450-001 Photographer.

Cid made a motion to approve the Photographer.

Mr. Pastrick said that he would like to defer this position at this time.

Cid made a motion, seconded by Dillon to defer to 2-10-09. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Ord#1301D Restricting Hiring (1) for Chief Investigator for Coroner - 001-0700-15519-001, Chief Investigator.

Cid made a motion, seconded by Dillon to approve.

Mr. Pastrick said that he just put a job description on this position, as well as the Investigator, and Deputy Coroner position. He said that this position is needed. He has been without a Chief Investigator for about 5 months, and I purposely did that for many reasons, but the main reason was to get the right person for the job. I think that the individual that we're considering is an excellent police officer, he is a homicide detective, and just many years of experience, and I think he is the right person for this job. I would appreciate the support you would give me to fill this position.

Cid reminded the Council that the Coroner did give up 2 positions during the budget process, so he currently short 2 positions, plus the photographer that he has deferred.

All voted "Yes". Motion to approve carried 7-0.

In the Matter of Ord # 1301D - Restricting Hiring for Assessor (3) - 001-0900-13153-13 - Deputy, 001-0900-16710-1 Data Clerk, 001-0900-16710-2 - Data Clerk.

Bilski made a motion, seconded by Franklin to approve the following with an effective date of 1-5-09. All voted "Yes", except Cid, "No".

Cid said I have no problem with the Assessor filling the positions, but because it wasn't posted, according to County policy, I will not vote in favor of it.

Cid explained I have no problem with the Assessor filling the positions, the Hiring Freeze, but these people are already in place, other employees in the County did not get the opportunity to have that job posted.

Blanchard said that's a very good point, and it is unfortunate.

Franklin said they were of the impression that they could fill those position with

those persons that came from North Township without posting them.

Cid said that is true, that part is true, but these were not current employees of the County.

Franklin said according to what they've done, they are already currently employed?

Bilski answered, right.

Franklin said they have been put into the system.

Blanchard said, no, but they are working.

Franklin asked so they are not hired technically by the County?

Blanchard answered, since the 5th of January.

Franklin asked so what are we going to do we either have to approve them, or fire them. What are we going to do?

Blanchard said that Cid brought up a very good point.

Bilski said in my opinion, we gave them the authority that the 9 positions, to fill them to get the job done, hire the people, as far as I'm concerned, I have to assume that elected official through due diligence interviewed everyone, and came up with the best staff possible, I can't sit here and say that the Assessor didn't, when he is not here yes, or no he didn't do that. I agree with Councilwoman Cid, that I have no idea, except for the reason, possibly is the timeframe which this happened, the effective date was supposed to be January 1, 2009, is when the County was supposed to be able to hit the ground running on it.

All voted "Yes", except Cid, "No". Motion to approve carried 6-yes, 1-no.

The following is what was approved:

001-0900-13153-13 Deputy @ \$36,218

001-0900-16710-1 Data Clerk @ \$36,073

001-0900-16710-2 Data Clerk @ \$27,014

In the Matter of Ord#1301D - Restricting Hiring for Clerk (3) - 001-0100-16723-001 Deputy Clerk, 001-0100-16723-012 Deputy Clerk, 001-0100-16723-016 Deputy Clerk.

O'Donnell made a motion, seconded by Bilski to approve.

Cid stated that even though I can't vote on this issue, but these positions definitely are needed. She said that in the East Chicago Office the case loads

have increased from about 50 a month, the past year it's been 150, and in December they had 250 case loads. Cid said she would also appreciate that in this hiring that they would consider hiring some current part-time employees that are already trained.

Sandy said the Clerk always looks at their part-time staff for that very reason.

All voted "Yes", except Cid, "abstain". Motion to approve carried 6-yes, 1-abstention.

In the Matter of Ord#1301D - Restricting Hiring for Jail (1) - 001-3100-16611-007 Records Clerk.

O'Donnell made a motion, seconded by Franklin to approve. All voted "Yes", except Cid, "No". Motion to approve carried 6-yes, 1-no.

In the Matter of Ord#1301D - Restricting Hiring for Sheriff(1) - 001-0500-14416-004 Court Security Sergeant.

O'Donnell made a motion, seconded by Prince to defer to 2-10-09. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Ord#1301D - Restricting Hiring for Sheriff(1) - 001-0500-14403-007 Radio Communication.

Franklin made a motion, seconded by Prince to approve.

Blanchard commented that they met with the Sheriff in advance of this meeting, and information was given to them that there is another Radio Communication position that is vacant, and they will be requesting to fill that position on the 2-10-09 meeting.

Bilski said that these people have to be trained, and he thinks that this is a position that is going to have to be filled.

All voted "Yes". Motion to approve carried 7-0.

In the Matter of Ord#1301D - Restricting Hiring for Ross Township Assessor(2) - 001-1700-13456-001 Field Deputy, 001-1700-13465-002 Business Deputy.

Bilski made a motion, seconded by Dillon to approve.

Cid commented that during budget time, Mr. Guernsey did a good job in cutting his staff. We know that assessing has to be done, and the tax bills have to get out, so I'm in favor of this.

All voted "Yes". Motion carried 7-0.

In the Matter of Approval of Data Board Nominees.

Prince made a motion to approve the Data Board nominees by the County Officeholders, that are on our agenda. Cid said before we second the motion, we need to add Councilman Dillon, and Council lady Franklin on the list as Council representatives.

Cid seconded the motion.

All voted "Yes". Motion to approve carried 7-0.

County Clerk	Thomas B. Philpot
County Auditor	Peggy Katona
County Treasurer	Deferred to 2-10-09
County Recorder	Michael A. Brown
County Sheriff	John Kopack
County Surveyor	George VanTil
County Coroner	David J. Pastrick
County Prosecutor	Deferred to 2-10-09
County Assessor	Paul G. Karras
County Commissioners	Deferred to 2-10-09
County Council	Dillon
County Council	Franklin
County Council Finance Director	Deferred 2-10-09
County Judges	Honorable Jeffery J.
Dywan	

In the Matter of Intergovernmental Agreement Sohl Avenue (Culverts)

Blanchard explained that these 2 items were submitted by the Highway Department. The Commissioners have already approved both of these inter-governmental agreements. It requires the Fiscal body, and the Executive branch to give approval for an inter-local agreement. If one does not, then it would go to the Attorney General, the State of Indiana for his action. I am asking for approval of both of these inter-local agreements. The money will be coming from the bridge fund. The Bridge fund is already in place.

Dillon made a motion, seconded by Franklin to approve.

All voted "Yes". Motion carried 7-0.

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT made and entered into this 17th day of December,

2008, by and between the Board of County Commissioners of Lake County, Indiana, hereinafter referred to as "**THE COUNTY**" and **THE CITY OF HAMMOND**, Indiana thereafter referred to as "**THE CITY**"

WITNESSETH:

WHEREAS, THE COUNTY HAS contracted for engineering services for the development of contract plans for the replacement of the Culverts carrying Sohl Avenue over the Grand Calumet River, **THE PROJECT**.

WHEREAS AND THE CITY has requested County participation with the project.

WHEREAS, it is necessary to replace the culverts due to deterioration and roadway failures.

WHEREAS, the work contemplated by this agreement is in the nature of highway construction and maintenance, and matters related thereto; and,

WHEREAS, it is in the best interest of **THE COUNTY** and **THE CITY** to cooperate in causing said improvements to be made, pursuant to the Indiana Interlocal Government Cooperative Act, as found in Indiana Code 36-1-7.

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

1. The parties mutually agree to assist one another in **THE PROJECT** as described above, with **THE CITY** and **THE COUNTY** each paying one half of the estimated Four Hundred Thousand Dollars (\$400,000.00) for **THE PROJECT**.
2. **THE COUNTY** agrees that it will enter into the contracts necessary for **THE PROJECT** and file for Funds through the appropriate fund categories allocated to Local Public Agencies.
3. **THE COUNTY** shall act as the lead agency and shall be responsible for **THE PROJECT** including plan preparation, governmental approvals, funding, construction inspection and supervision, and preparation of all necessary construction documents, all under the Administration of a Joint Board comprised of the County Commissioners or their duly authorized representatives (not more than three (3) people) and **THE CITY** (not more than three (3) people)
4. The Auditor of **THE COUNTY OF LAKE** is hereby delegated the duty to receive, disburse, and account for all monies of the joint undertaking.

5. **THE COUNTY** agrees that it will pay the funds required from local government attributable to **THE PROJECT** cost for construction preliminary estimated at Four Hundred Thousand Dollars (\$400,000.00), which will be appropriated or have been appropriated for Cumulative Bridge Fund.

6. THE COUNTY shall be responsible for maintenance, operation, and repair of THE PROJECT.

THE CITY, agrees to pay for one half of the Project. Costs for the construction of **THE PROJECT** estimated at Four Hundred Thousand Dollars (\$400,000.00), which will be appropriated or have been appropriated from MVH, LR & S or other appropriate account.

8. Final division and final amounts of local matching fund cost for the **PROJECT** will be determined from final costs for work performed. Upon receipt by **THE CITY** of paid receipts and documentation from the COUNTY evidencing the expenditures, **THE CITY** shall pay any balance due to COUNTY. Monthly partial payments may be made.

9. The agreement exclusive of items 6 & 8 will continue in force until **THE PROJECT** is completed and all necessary fund disbursements and payments are completed, which is anticipated to occur no later than November of 2008. Reasonable extensions for commencement and completion of **THE PROJECT** may be made by written addendum hereto.

10. Items 6 & 8, which deal with responsibility for design, maintenance, operation and repair shall remain in effect indefinitely, or until such time the parties reach a different understanding or if by annexation, change in law or other unforeseen circumstance, the affected party's responsibility ceases.

13. This agreement shall be recorded in the Lake County Recorder's Office after approval hereof by with **THE CITY** and **THE COUNTY**.

In the Matter of Intergovernmental Agreement Bridge # 245.

Dillon made a motion, seconded by Franklin to approve.

Blanchard said that this is the agreement between the Town of Munster, and the

City of Hammond to pay for the reconstruction of the approaches and the respective site of the Little Cal River at an estimated cost of the roadway approach of reconstruction of \$300,000 dollars.

All voted "Yes". Motion to approve carried 7-0.

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT made and entered into this 17th day of December, 2008, by and between the Board of County Commissioners of Lake County, Indiana, hereinafter referred to as "THE COUNTY" and Town of Munster, Indiana, hereinafter referred to as "THE TOWN" and the City of Hammond, Indiana thereafter referred to as "The City"

WITNESSETH:

WHEREAS, THE COUNTY HAS contracted for engineering services for the development of contract plans for the rehabilitation of LAKE COUNTY BRIDGE NO. 245, Columbia Avenue over the Little Calumet River, The Project.

WHERE THE TOWN AND THE CITY has requested the Bridge and Roadway Approaches be raised to an elevation to meet the top of the Levee elevation being constructed by the Army Corp of Engineers.

WHEREAS, it is necessary to rehabilitate Bridge #245 Project.

WHEREAS, the work contemplated by this agreement is in the nature of highway construction and maintenance, and matters related thereto; and,

WHEREAS, it is in the best interest of THE COUNTY, THE TOWN, and THE CITY to cooperate in causing said improvements to be made, pursuant to the **Indiana Interlocal Government Cooperative** Act, as found in Indiana Code 36-1-7.

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

1. The parties mutually agree to assist one another in the Rehabilitation of the BRIDGE #245 PROJECT as described above with the Town and The City each paying the additional Approach Roadway and Right of Way cost if required raise Bridge # 245 to top of Levee elevation..
2. THE COUNTY agrees that it will enter

into the contracts necessary for the performance of the Bridge #245 Project and file for Funds through the appropriate fund categories allocated to Local Public Agency

3. THE COUNTY shall act as the lead agency and shall be responsible for THE BRIDGE #245 PROJECT including plan preparation, governmental approvals, funding, construction inspection and supervision, and preparation of all necessary construction documents, all under the Administration of a Joint Board comprised of the County Commissioners or their duly authorized representatives (not more than three (3) people) and duly authorized representatives of THE TOWN (not more than three (3) people), and The City (not more than three (3) people)
4. The Auditor of THE COUNTY OF LAKE is hereby delegated the duty to receive, disburse, and account for-all-monies of the joint undertaking:
5. If right-of-way or other real property is required for the successful completion of THE BRIDGE #245 PROJECT, acquisition shall be per the appropriate state statues, federal regulations, or federal guidelines. The right-of-way (Permanent) shall be held as public property by THE COUNTY. It is anticipated that any property will be disposed of, other than salvage materials, which shall be handled per the current Indiana Department of Transportation Specifications and Project Special Prevision Specifications as agreed to by the Joint Board.
6. THE TOWN, and The City agrees that it shall be solely responsible for the Cost of Construction Maintenance of their respective Roadway Approaches And Right of Way Acquisition, if required.
7. THE County agrees that it will pay the funds required from local government attributable to the BRIDGE # 245 PROJECT cost for construction and construction engineering which is preliminary estimated at One Million Two Hundred Fifty Thousand Dollars (\$1,300,000.00), which will be appropriated or have been appropriated for Cumulative Bridge Fund, MV11, LR & S or other appropriate account.
8. THE COUNTY shall be responsible for maintenance, operation, and repair of the BRIDGE NO # 245 **PROJECT**.
9. THE TOWN and THE CITY. The TOWN OF MUNSTER and THE

CITY OF HAMMOND agrees to pay for the Roadway Approach of the of the Bridge #245 Project. Costs for the construction of the Roadway Approach which is preliminary estimated at Three Hundred Thousand Dollars (\$300,000.00), including design engineering costs project, which will be appropriated or have been appropriated from MVH, LR & S or other appropriate account.

10. THE TOWN and The City shall be responsible for maintenance, operation and repair of Roadway Approaches.
11. The costs for THE BRIDGE #245 PROJECT are preliminary estimated to be One Million Three Hundred Thousand Dollars (\$1,300,000.00), total cost. The local costs are to be shared on the basis of the actual the actual cost to construct the BRIDGE #245 PROJECT. THE COUNTY will pay all costs attributable to BRIDGE #245. THE TOWN and THE CITY shall pay all costs attributable to the Roadway Approaches
12. Final division and final amounts of local matching fund cost for the BRIDGE #245 PROJECT will be determined from final costs for work performed. Upon receipt by the TOWN and the CITY of paid receipts and documentation from the COUNTY evidencing the expenditures, the TOWN and the City shall pay any balance due to COUNTY. Monthly Partial payments may be made.
13. The agreement exclusive of items 6, 8 & 10 will continue in force until the BRIDGE #245 PROJECT is completed and all necessary fund disbursements and payments are completed, which is anticipated to occur no later than August of 2009. Reasonable extensions for commencement and completion of the Project may be made by written addendum hereto.
14. Items 6, 8, 10, which deal with responsibility for design, maintenance, operation and repair shall remain in effect indefinitely, or until such time the parties reach a different understanding, or if by annexation,

change in law or other unforeseen circumstance, the affected party's responsibility ceases.

15. This agreement shall be recorded **in** the Lake County Recorder's Office after approval hereof by with THE TOWN AND THE CITY, THE COUNTY, and the Auditor of the State of Indiana.

WITNESS THEREOF, the parties have executed this agreement on the day first written above.

THE TOWN COUNCIL OF
,
THE TOWN OF
MUNSTER, INDIANA

Helen Brown
David B. Nellans
Robert Magnus
John Edington
Attest: David F. Shafer,

Clerk/Treasurer

WITNESS WHEREOF, the parties have executed this agreement on the day first
Written above.

WORKS AND SAFETY
HAMMOND, INDIANA
THE BOARD OF PUBLIC
OF THE CITY OF

By William J. O'Connor
By Stanley Dostatni
By Barbara Cardwell

WITNESS WHEREOF, the parties have executed this agreement on the day first written above.

BOARD OF COMMISSIONERS OF LAKE COUNTY
INDIANA

District 1
By: Roosevelt Allen,

District 2 By: Gerry Scheub,
District 3 By: Frances DuPey,
County Auditor By: Peggy H. Katona,

WITNESS WHEREOF, the parties have executed this agreement on the day first Written above.

COUNTY INDIANA COUNCIL OF LAKE
District 1 By: Ernie Dillon, Member
Member District 2 By: Elsie Franklin,
Member District 3 By: Jerome Prince,
Member District 4 By: Thomas O'Donnell,
Member District 5 By: Christine Cid,
Member District 6 By: Ted F. Bilski,
Member District 7 By: Larry Blanchard,
Katona, County Auditor By: Peggy Holinga

In the Matter of Councilmanic Appointments - Northwestern Indiana Regional Plan Commission (1).

Franklin nominated Councilman Tom O'Donnell to the Northwestern Indiana Regional Plan Commission.
Prince made a motion, seconded by Dillon to close the nominations and approve Councilman Tom O'Donnell.
All voted "Yes". Motion carried 7-0.

In the Matter of Councilmanic Appointments - Northwest Indiana Community Action Corporation(1)

Dillon nominated Council lady Elsie Franklin to the Northwest Indiana

Community Action Corporation.

Cid made a motion, seconded by O'Donnell to close the nominations.

All voted "Yes" to close the nominations and approve Council Lady Elsie Franklin. Motion carried 7-0.

In the Matter of Councilmanic Appointments - Contractors Licensing Board(1)

Dillon nominated Councilman Ted Bilski to the Contractors Licensing Board.

Franklin made a motion, seconded by Prince to close the nominations and approve Councilman Ted Bilski. All voted "Yes". Motion carried 7-0.

In the Matter of Councilmanic Appointments - Community Corrections Advisory Board (1)

Prince nominated Councilman Tom O'Donnell to the Community Corrections Advisory Board.

Prince made a motion, seconded by Franklin to close the nominations and approve Councilman Tom O'Donnell.

All voted "Yes". Motion carried 7-0.

In the Matter of Councilmanic Appointment - Law Library Board (1).

NO ACTION TAKEN.

In the Matter of Councilmanic Appointment - Lake County Study Commission on Veterans Affairs (7).

Franklin nominated Councilman Larry Blanchard, and Councilman Ernie Dillon for re-appointment as the Council members, along with Mr. Forsythe, Commissioner Scheub, Casmir Balt, Harvey Bolds, and Don Shults, the others who are already on the board.

Cid made a motion, seconded by Franklin to close the nomination and approve the current appointments to another term on Board.

All voted "Yes" to approve. Motion carried 7-0.

The members on the Lake County Study Commission on Veterans Affairs are as follows:

Councilman Larry Blanchard
Councilman Ernie Dillon
James Forsythe
Commissioner Gerry Scheub
Casimir Balt
Harvey Bolds
Don Shults

In the Matter of Councilmanic Appointments - NWI Private Industry Council/Local Elected Officials Committee(1).

Blanchard said this is a two-year term.

O'Donnell nominated Councilman Jerome Prince to the NWI Private Industry Council/Local Elected Officials Committee.

O'Donnell made a motion, seconded by Prince to close the nomination and approve Councilman Jerome Prince.
All voted "Yes". Motion carried 7-0.

In the Matter of Citizen Appointment - Parks & Recreation Board (1-R)

Franklin nominated Chris Dilts, who is currently serving on that Board and doing an excellent job for us, to re-appoint him.

Dillon made a motion, seconded by Franklin to close the nominations. All voted "Yes". Motion carried 7-0.

Franklin made a motion, seconded by Prince to approve the appointment of Chris Dilts. All voted "Yes". Motion carried 7-0.

In the Matter of Citizen Nominations - Economic Development Commission - Cedar Lake (1).

NO ACTION TAKEN.

In the Matter of Citizen Nominations - Economic Development Commission - Hammond (1).

Dillon nominated Louis Karubus.

Cid made a motion, seconded by Franklin to close the nominations and appoint Louis Karubus.

All voted "Yes". Motion carried 7-0.

In the Matter of Citizen Appointment - Economic Development Commission - Town of Schererville (1).

O'Donnell said that the Town of Schererville just sent over a letter asking, they are re-establishing their Economic Development Commission.

O'Donnell made a motion, seconded by Prince to add this appointment on to the agenda today. All voted "Yes". Motion carried 7-0.

O'Donnell nominated James Katona as the Council' appointment to the Schererville Economic Development Commission.

O'Donnell made a motion, seconded by Prince to close the nominations, and approve Mr. James Katona. All voted "Yes". Motion carried 7-0.

In the Matter of Resolution Honoring the Hessville Junior Vipers Football Team - Metro Youth Football League Super Bowl Champions and Windy City Elite 100 National Champions.

Cid made a motion, seconded by Dillon to approve. All voted "Yes". Motion carried 7-0.

RESOLUTION NO. 09-01

RESOLUTION HONORING THE HESSVILLE JUNIOR VIPERS FOOTBALL TEAM

WHEREAS, students and professional athletes nurtured and trained in Lake County, Indiana, have consistently shown excellence in all sporting endeavors; and

WHEREAS, Lake County has generously sent forth its spirited and athletic youth to compete with other youths of this state and of every country and nation of this world; and

WHEREAS, Lake County is justly proud of its son and daughters who have so willingly taken upon themselves the hardships and disciplines, both physical and mental, which successful participation in sporting events demands; and

WHEREAS, the Hessville Junior Vipers Football Team, with a record of 15-0, won the Metro Youth Football League Super Bowl on November 16, 2008, its third title in five years; and

WHEREAS, the Hessville Junior Vipers Football Team won the Windy City Elite 100 National Championship on November 27-29, 2008.

NOW, THEREFORE, LET IT BE RESOLVED that the Lake County Council, and all citizens of Lake County who are represented by this august body, extend congratulations and praise to the coaches and players of the Hessville Junior Vipers Football Team for capturing the Metro Youth Football League Super Bowl Championship and Windy City Elite 100 National Championship; and that a copy of this Resolution be spread on the official records of the Lake County Council and an official copy be delivered to the Hessville Junior Vipers Football Team.

DATED THIS 13th day of January, 2009.

LARRY BLANCHARD,

President

JEROME PRINCE
ELSIE FRANKLIN
THOMAS O'DONNELL
ERNIE DILLON
TED F. BILSKI
CHRISTINE CID

Members of the Lake County Council

In the Matter of Resolution Permitting the Lake County Sheriff to pay a 2008 Jail invoice with 2009 funds in the amount of \$1,275.00 - 152-3100-44490 Other Equipment.

O'Donnell made a motion, seconded by Bilski to approve. All voted "Yes". Motion to approve carried 7-0.

RESOLUTION NO. 09-02

**RESOLUTION PERMITTING LAKE COUNTY SHERIFF TO PAY
OUTSTANDING
2008 JAIL INVOICES/DEBTS FROM THE 2009 BUDGET**

WHEREAS, the Sheriff's Department of Lake County is currently operating in the 2009 Budget; and

WHEREAS, the following invoices/debts were incurred in the Budget year of 2008 have not been paid:

<u>152-3100-44490</u>	<u>Other Equipment</u>
CDW Government, Inc.	\$1,275.00

WHEREAS, the Sheriff's Department desires to pay the above jail

invoices/debts due. NOW, **THEREFORE, LET IT BE RESOLVED AS**

FOLLOWS:

That the Lake County Sheriff's Department shall pay

from its 2009 Budget the following jail invoices/debts incurred in the calendar year 2008 as follows:

<u>152-3100-44490</u>	<u>Other Equipment</u>
CDW Government, Inc.	\$1,275.00

SO RESOLVED THIS 13TH DAY OF JANUARY, 2009.

LARRY BLANCHARD, President

ELSIE FRANKLIN
BILSKI
THOMAS O'DONNELL
CID
ERNIE DILLON
PRINCE

TED F.
CHRISTINE
JEROME A.

Members of the Lake County Council

In the Matter of Resolution Permitting Lake County Sheriff to pay outstanding 2008 Jail Invoice/Debts from the 2009 Budget.

O'Donnell made a motion, seconded by Bilski to approve. All voted "Yes". Motion carried 7-0.

RESOLUTION NO. 09-03

RESOLUTION PERMITTING LAKE COUNTY SHERIFF TO PAY OUTSTANDING 2008 JAIL INVOICES/DEBTS FROM THE 2009 BUDGET

WHEREAS, the Sheriff's Department of Lake County is currently operating in the 2009 Budget; and

WHEREAS, the following invoices/debts were incurred in the Budget year of 2008 have not been paid:

<u>001-3100-43920</u>	<u>Food and Lodging</u>
Sysco Food Service-Chicago, Inc.	\$ 3,204.03

WHEREAS, the Sheriff's Department desires to pay the above jail

invoices/debts due. NOW, THEREFORE, LET IT BE RESOLVED AS

FOLLOWS:

That the Lake County Sheriff's Department shall pay from its 2009 Budget the following jail invoices/debts incurred in the calendar year 2008 as follows:

<u>001-3100-43920</u>	<u>Food and Lodging</u>
Sysco Food Service-Chicago, Inc.	\$ 3,204.03

SO RESOLVED THIS 13TH DAY OF JANUARY, 2009.

LARRY BLANCHARD, President

ELSIE FRANKLIN
BILSKI
THOMAS O'DONNELL
CID
ERNIE DILLON
PRINCE

TED F.
CHRISTINE
JEROME A.

Members of the Lake County Council

In the Matter of Resolution Permitting the Public Defender to pay 2008 invoices with 2009 funds in the amount of \$1,965.50 - 405-4002-42130 Law Books.

O'Donnell made a motion, seconded by Bilski to approve. All voted "Yes". Motion to approve carried 7-0.

RESOLUTION NO. 09-04

RESOLUTION PERMITTING THE OFFICE OF THE PUBLIC DEFENDER TO PAY OUTSTANDING 2008 INVOICES/DEBTS FROM THE 2009 BUDGET

WHEREAS, the Office of the Public Defender, is currently operating in the 2009 Budget; and

WHEREAS, the following invoices/debts incurred in the Budget year of 2008 have not been paid:

<u>405-4002-42130</u>	<u>Law Books</u>
Thomson West/West Group	\$ 1,965.50

WHEREAS, the Lake County Council desires to transfer funds and pay the above invoices/debts due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2008 expenses shall be paid from the Office of the Public Defender's 2009 Budget:

<u>405-4002-42130</u>	<u>Law Books</u>
Thomson West/West Group	\$ 1,965.50

SO RESOLVED THIS 13TH DAY OF JANUARY, 2009.

LARRY BLANCHARD, President

ELSIE FRANKLIN
TED F. BILSKI
THOMAS O'DONNELL
CHRISTINE CID
ERNIE DILLON
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Permitting the Public Defender to pay 2008 invoices with 2009 funds in the amount of \$130,334.01 - 001-4002-43190 Other Professional Service.

O'Donnell made a motion, seconded by Prince to approve.

Marvin explained that these invoices represent a State of Indiana Versus Zolo Azania, which is a change of venue capital case that is currently being heard in Allen County. It has been brought to a resolution without a trial, and the expenses would have been more than this had it gone to trial.

Blanchard explained that this was billed to the Board of Commissioners, late in the year. It was their responsibility, they didn't have the sufficient appropriation, so they sent it to...

Dante asked will you be able to stay within your appropriation?

Marvin answered, we will do everything in our power to do that. That's our intent.

Dante said we have to, we have to there's no question.

Marvin said, I understand.

All voted "Yes". Motion carried 7-0.

RESOLUTION NO. 09-05

**RESOLUTION PERMITTING THE OFFICE OF
THE PUBLIC DEFENDER TO PAY
OUTSTANDING 2008 INVOICES/DEBTS FROM THE 2009 BUDGET**

WHEREAS, the Office of the Public Defender, is currently operating in the 2009 Budget; and

WHEREAS, the following invoices/debts incurred in the Budget year of 2008 have not been paid:

001-4002-43190	Other Professional Services
Michael E. Deutsch	\$ 46,096.18
Jessie A. Cook	19,666.54
Dr. Peter R. DeForest	26,518.81
Dr. Joseph A. Prahlow	5,400.00
Dr. Roger L. Terry	2,000.00
Michael Dennis	8,632.67
Cheri Hodson	4,735.93
Craig Haney	9,482.70
James E. Aiken & Associates	7,791.18

\$130,334.01

WHEREAS, the Lake County Council desires to transfer funds and pay the above invoices/debts due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS: That the following 2008 expenses shall be paid from the Office of the Public Defender Public Defender's 2009 Budget:

001-4002-43190	Other Professional Services
Michael E. Deutsch	\$ 46,096.18
Jessie A. Cook	19,666.54
Dr. Peter R. DeForest	26,518.81
Dr. Joseph A. Prahlow	5,400.00
Dr. Roger L. Terry	2,000.00
Michael Dennis	8,632.67
Cheri Hodson	4,735.93
Craig Haney	9,492.70
James E. Aiken & Associates	7,791.18

\$130,334.01

SO RESOLVED THIS 13TH DAY OF JANUARY, 2009.

LARRY BLANCHARD, President

ELSIE FRANKLIN

CHRISTINE CID

THOMAS O'DONNELL

JEROME A. PRINCE

ERNIE DILLON

TED

F. BILSKI

Members of the Lake County Council

In the Matter of Resolution Permitting the Public Defender to pay 2008 invoices with 2009 funds in the amount of \$42,603.34 - 001-4002-43190 Other Professional Services.

O'Donnell made a motion, seconded by Franklin to approve. All voted "Yes".

Motion to approve carried

7-0.

RESOLUTION NO. 09-06

**RESOLUTION PERMITTING THE OFFICE OF
THE PUBLIC DEFENDER TO PAY
OUTSTANDING 2008 INVOICES/DEBTS FROM THE 2009 BUDGET**

WHEREAS, the Office of the Public Defender, is currently operating in the 2009 Budget; and

WHEREAS, the following invoices/debts incurred in the Budget year of 2008 have not been

paid:

001-4002-43190	Other Professional Services	
Patricia Beecher	\$ 3,861.00	
Arlington J. Foley	5,688.20	
Derla R. Gross	2,220.73	
Adrian Guzman	3,030.00	
Roseann Ivanovich	4,101.26	
John Maksimovich	4,272.00	

James Reed	6,486.00	
Robert J. Varga	4,302.00	
Casale, Woodward & Buls	4,082.15	
Marianna Runkle	4,560.00	

\$42,603.34

WHEREAS, the Lake County Council desires to transfer funds and pay the above invoices/debts due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS: That the following 2008 expenses shall be paid from the Office of the Public Defender's 2009 Budget:

001-4002-43190	Other Professional
Services	
Patricia Beecher	\$ 3,861.00
Arlington J. Foley	5,688.20
Derla R. Gross	2,220.73
Adrian Guzman	3,030.00
Roseann Ivanovich	4,101.26
John Maksimovich	4,272.00
James Reed	6,486.00
Robert J. Varga	4,302.00
Casale, Woodward & Buls	4,082.15
Marianna Runkle	4,560.00

\$42,603.34

SO RESOLVED THIS 13TH DAY OF JANUARY, 2009.

LARRY BLANCHARD, President

ELSIE FRANKLIN
CHRISTINE CID
THOMAS O'DONNELL
JEROME A. PRINCE
ERNIE DILLON
F. BILSKI

TED

Members of the Lake County Council

In the Matter of Resolution Permitting the Lake County Emergency Management Agency to pay an outstanding 2008 Invoice/Debt from the 2009 Budget.

O'Donnell made a motion, seconded by Prince to approve. All voted "Yes". Motion to approve carried 7-0.

RESOLUTION NO. 09-07

**RESOLUTION PERMITTING THE LAKE COUNTY
EMERGENCY MANAGEMENT AGENCY TO PAY AN
OUTSTANDING 2008 INVOICE/DEBT FROM THE 2009 BUDGET**

WHEREAS, the Lake County Emergency Management Agency, is currently operating in the 2009 Budget; and

WHEREAS, the following invoice/debt incurred in the Budget year of 2008, has not been paid:

<u>001-3500-42210</u>	<u>Petroleum Products</u>
Al Warren Oil Company, Inc.	\$ 66.24

WHEREAS, the Lake County Council desires to transfer funds and pay the above invoice/debt due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That Lake County Emergency Management Agency shall pay from its 2009 Budget the following invoices/debts incurred in the calendar year 2008 as follows:

<u>001-3500-42210</u>	<u>Petroleum Products</u>
Al Warren Oil Company, Inc.	\$ 66.24

SO RESOLVED THIS 13TH DAY OF JANUARY, 2009.

LARRY BLANCHARD, President

ELSIE FRANKLIN
BILSKI
THOMAS O'DONNELL
CID
ERNIE DILLON
PRINCE

TED F.
CHRISTINE
JEROME A.

Members of the Lake County Council

In the Matter of Resolution Permitting Lake County Health Dept to pay 2008 travel invoices with 2009 funds in the amount of \$4,672.25 - Fund 105 Dept 5130 & 5131-43235 Travel/Mileage, 43232 Travel/Travel/Registration & 43233 Travel/Lodging.

Franklin made a motion, seconded by Prince to approve. All voted "Yes". Motion carried 7-0.

RESOLUTION NO. 09-08

**RESOLUTION PERMITTING THE LAKE COUNTY HEALTH DEPARTMENT TO
PAY OUTSTANDING 2008 INVOICES/DEBTS FROM THE 2009 BUDGET**

WHEREAS, the Health Department is currently operating in the 2009 Budget;
and

WHEREAS, the following invoices/debts incurred in the Budget year of
2008, have not been paid:

<u>105-5130-43235</u>	<u>Travel/Mileage</u>
Sarah Anderson	\$ 364.46
Al Booth	235.17
Virginia Christakis	314.73
Nancy Coster	389.03
Kirk Day	522.41
Patricia Duran	92.43
Paul Garrett	45.63
Warner Jean Glover	141.24
Rob Guetzloff	280.80
Ruth Grozdanich	300.11
Judith Lawrence	185.45
George O'Donnell	111.15
Jennifer Rashin	100.04
Joellen S. Trojnar	197.15
Denice Trulley	132.00
Janet Westforth	157.37

<u>105-5131-43235</u>	<u>Travel/Mileage</u>
Paula Miraldi	\$ 920.04

<u>105-5130-43232</u>	<u>Travel/Travel Registration</u>
Denice Trulley	\$ 50.00

<u>105-5130-43233</u>	<u>Travel/Lodging</u>
Denise Trulley	\$ 133.04

TOTAL: \$ 4,672.25

WHEREAS, the Lake County Council desires to pay the above invoices/debts
due.

NOW, THEREFORE LET IT BE RESOLVED AS FOLLOWS:

That the Lake County Health Department shall pay from its 2009 budget the following invoices/debts incurred in the calendar year 2008 as follows:

<u>105-5130-43235</u>	<u>Travel/Mileage</u>
Sarah Anderson	\$ 364.46
Al Booth	235.17
Virginia Christakis	314.73
Nancy Coster	389.03
Kirk Day	522.41
Patricia Duran	92.43
Paul Garrett	45.63
Warner Jean Glover	141.24
Rob Guetzloff	280.80
Ruth Grozdanich	300.11
Judith Lawrence	185.45
George O'Donnell	111.15
Jennifer Rashin	100.04
Joellen S. Trojnar	197.15
Denice Trulley	132.00
Janet Westforth	157.37

<u>105-5131-43235</u>	<u>Travel/Mileage</u>
Paula Miraldi	\$920.04

	<u>105-5130-43232</u>	<u>Travel/Travel</u>
Registration	Denise Trulley	\$ 50.00

<u>105-5130-43233</u>	<u>Travel/Lodging</u>
Denise Trulley	\$ 133.04

TOTAL: \$ 4,672.25

SO RESOLVED THIS 13th day of January, 2009.

LARRY BLANCHARD, President

ELSIE FRANKLIN
BILSKI
THOMAS O'DONNELL
CID
ERNIE DILLON
PRINCE

TED F.
CHRISTINE
JEROME A.

Members of the Lake County Council

In the Matter of Resolution Declaring an Official Intent to reimburse expenditures of the County incurred during Calendar Year 2009 to pay judgments and settlements entered against the County.

Cid made a motion, seconded by Franklin to approve. All voted "Yes". Motion carried 7-0.

Attorney Dull said that the "look back" period on a judgment is 60 days, if you pass that, and the Council down the road decide to settle some cases and go all the way back, you can do it. You need to pass this now, and the Commissioners need to approve. I have no judgments to pay, but I was advised by the bond counsel that this is the thing that you need to do; otherwise, you will only have a 60 day look back period for judgments.

Blanchard said this allows, like Attorney Dull says, the County to be able to recapture some of the dollars that are expended from our 541 self insurance liability fund, from a judgment bond, and we can recoup some of those dollars.

RESOLUTION NO. 09-09

RESOLUTION DECLARING AN OFFICIAL INTENT TO REIMBURSE EXPENDITURES OF THE COUNTY INCURRED DURING CALENDAR YEAR 2009 TO PAY JUDGMENTS AND SETTLEMENTS ENTERED AGAINST THE COUNTY

WHEREAS, the Lake County Council (the "County Council") expects that judgments and settlements will be entered against the County during calendar year 2009 (the "Judgments"); and

WHEREAS, the payment of the Judgments is an exercise of the powers of the County,
is necessary, and will be to the general benefit of the County and its citizens; and

WHEREAS, the County reasonably expects to have to pay Judgments prior to the County issuing debt and desires to reimburse itself for the payment of the Judgments with the proceeds of debt to be incurred by the County; and

WHEREAS, for purposes of this Resolution, the term "debt" is intended to include tax-exempt bonds; and

WHEREAS, the County expects to issue, or have issued on its behalf, debt not exceeding \$2,000,000.00 in aggregate principal amount for the purpose of paying the Judgments together with expenses in

connection with the issuance of the debt on account thereof; and

WHEREAS, the County intends that this Declaration of Official Intent to Reimburse Expenditures constitute a declaration of official intent pursuant to Treas. Reg. Sec. 1.150-2.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

SECTION 1. That the County hereby declares its official intent to reimburse expenditures for the Judgments with proceeds of debt to be incurred by the County in an amount not exceeding \$2,000,000.00 in aggregate principal amount for the purpose of paying the Judgments together with expenses in connection with the issuance of the debt on account thereof.

SECTION 2. This Resolution constitutes a declaration of official intent to reimburse expenditures under Treas. Reg. Sec. 1.150-2 and Indiana Code 5-1-14-6(c).

SO RESOLVED THIS 13th DAY OF JANUARY, 2009.

LARRY BLANCHARD, President

JEROME A. PRINCE
FRANKLIN
THOMAS O'DONNELL
ERNIE DILLON
TED F. BILSKI
CHRISTINE CID

ELSIE

Members of the Lake County Council

In the Matter of Ordinance Adopting an Ordinance for a 1% Food & Beverage Tax for Lake County Indiana.

O'Donnell said for purposes of discussion, I have asked members of the Regional Development Authority, the Regional Bus Authority, and then O'Donnell made a motion, seconded by Dillon to approve on First Reading adopting a 1% Food & Beverage Tax for Lake County.

Discussion

O'Donnell said that it is my understanding that the Regional Transportation Authority was created several years ago, and not funded. He said that Dennis Rittenmeyer, who is the Chairman of the Regional Bus Authority now, which is what that entity has morphed into unfortunately is still without funding. Dennis

Rittenmeyer has been chairman of that group for years, and has worked diligently at attempting to establish connectivity in regional transportation for the residents of Lake and, their charge is also the residents of Porter County. O'Donnell said that the statues then was added that allowed for a Food & Beverage Tax be passed by this Council, but we don't have the authority on how its' spent. The money is then given to the Regional Development Authority, who decides how those funds are distributed. My understanding is the Regional Development Authority has made an indication that they would commit to dedicating those funds to public transportation. That can mean buses, that can mean trains, there is going to be a lot of discussion, I'm sure about people not wanting to see empty buses. I guarantee Dennis Rittenmeyer doesn't want to see empty buses. Dennis Rittenmeyer wants to see buses that take people where they need to be, whether it's work, or the medical office, or the store, so that people that lack reasonable transportation can obtain that. O'Donnell said the negativity and threats have begun, and will continue.

O'Donnell said my goal today is to open this up for discussion, understand what the proposition and plan is, and before everybody gets upset, my intention is to have a deferral at the end of the day today, so that we can have a special meeting, because this is an important issue. It's important not only, to fund this program, but it's important because it does, financially at 1%, if you go to McDonalds, and take your kids there, it's going to cost you 10 cents. So it's important, that 10 cents to people, and I understand that.

I don't want to sit here and allege that it's not a number that impacts people because it will impact people.

Prince said that there are a couple of factors that are relevant to this particular tax also. I would like to see any group speak who has something relevant to say, as it relates to the tax.

Prince said from my perspective, and I know I've gone on record to say that I support it, but in doing so, it's my intention to make sure that all the constituencies that are most affected be served by this 1% tax, and to that end, I think that we should certainly hear from at least the other voices that are here.

Blanchard said we've held meetings on issues like this in the past, similar to this and this issue as well, and we've opened it up to the public, and some of those meetings have lasted quite a long time, and the Council discussed at our study session that, at some point, it could be decided by the Council that we need to defer this, and set up a special meeting, and I think it's at the discretion of the Council members, if they feel that there is a point in time during this meeting, that we need to do that. We can open up the floor to that motion.

O'Donnell said the procedure was suggested this way so that the people would know what they are complaining about. Everybody is already against this, and they don't even know what the plan is, they just know that they are against it. O'Donnell said I am going to suggest let's figure out why we're against it, and,

and to figure out why we are against it, you've got to know what the plan is, and then we can all be against it. He said the suggestion is let's see what the plan is so we know why we hate it.

Cid suggested giving everyone who will speak a 5- minute limit.

Leigh Morris, Chairman of the Regional Development Authority clarified the position of the Regional Development Authority.

1. The RDA is very concerned that bus service will be significantly reduced, or in some cases be eliminated unless there is a major overhaul of the system and a new approach and additional funding is provided.
2. We do not support "propping up" existing services.
3. We believe that improvements in public transportation should be designed to meet the needs of the entire region, not just one portion of it.
4. We believe that creation of a regional transportation system that coordinates fixed route and demand response bus service and commuter train service can bring about:
 - a. Major improvements in both service and cost effectiveness; and
 - b. Enhance both the economy and quality of life in our region.

It is clear that the improvements needed in public transportation in NW Indiana can't be funded without significant additional financial support from state and federal sources. It is also clear that neither will be forthcoming unless there is additional local funding. The RDA is prepared to provide some of the needed funding, but our role is to provide capital funding, not ongoing operational funding.

So the question, why is the Food & Beverage Tax being proposed? From the RDA' perspective the need for new local funding is critical, but we believe the decision as to where that local funding comes from is a decision best left to local elected officials, to you, in this case, is a very important role.

The Legislature has already provided for a Lake County Food and Beverage Tax and has stipulated that if it is enacted, it would be paid to the RDA. The RDA Board, this past Thursday, has resolved that such proceeds will be dedicated solely to public transportation in Northwest Indiana, in this case, Lake County.

Why do it now?

Conditions are far different than in the past and the need for change is urgent:

- a. Many existing components of bus transportation are teetering on the brink of extinction, some already having announced discontinuation of service.
- b. The fiscal crisis being faced by our cities and towns add to the fragility of these services.
- c. Although there are many area residents that may never use bus service, those who rely on it are more vulnerable than ever if it is reduced or discontinued.

- d. There is agreement among the various providers that the time is right for consolidation and coordination of these services with a universal operator of bus services.
- e. There is also agreement, these are kind of first time things, that bus service and commuter train service must be planned and coordinated so they are complementary rather than disparate.

Why is Public Transportation Important?

NW Indiana is unique in some ways, we're providing far less public transportation services than many other similar areas-The American Public Transportation Association research really makes it very clear that public transportation plays a critical factor in both the quality of life, and the economic vitality of the region. In our case, the economic impact here, the RDA with assistance from all of the analytic studies of potential impact and improvement to public transportation systems between now and 2040, and that's researched documents that this would cause an increase in employment of some 7,000 jobs. It would provide personal income growth of 4.5 billion. It would generate 7.2 billion in additional economic activity, and when it's extended to Porter County as well, it would cause the combined population of these 2 counties to grow by approximately 8,670 people.

So in summary, the RDA feels the need for a multimodal public transit system that provides services in a coordinated and efficient manner and that delivers transit riders across this region to their desired destination, that need is very clear. The RDA wants to be a partner with you, with the federal government, with the State Government, the RBA and NICTD in helping to make that happen, and the step that you are considering today, the enactment of a source of local funding, is a critical step in that process.

Tim Brown, Executive Director of the RBA said that the purpose recently that the RDA has directed the RBA to look into consolidation is because primarily our bus systems are not very efficient as they exist today. The Tran-System study that was done in 2006 estimated that there would be 350,000 savings in consolidation. The Parsons Brinkerhoff study that was just completed by the RDA estimates that to be \$500,000 dollars, but what does that really mean?

If today, in 2006, this is the most current, all local revenues that were generated from all sources for all bus transportation equal \$5.4 million dollars. So what is a half a million? Certainly that would help. That would help reserve some things. That would help consolidate some things, that would help to get rid of the boundaries that we have between our transit district for buses.

Well what it will not do is, it will not preserve what we have already lost, and that's what we are going to be losing in the relative Hammond, and also with NICA.

At a recent NICA hearing that we held in December, there are approximately

84,000 rides, demand response rides that will be disappearing from their services. That is going to be gone by the end of this month. Can we preserve it with having something to do with this guy? I don't know. I hope we could. These people are relying on this service for employment. There were 6 folks that were gainfully employed that were at that public hearing, 4 of them spoke that they were going to lose their jobs as a result of the demand response services being eliminated. But who makes that threshold decision as to how many jobs are worth preserving. What's the social cost for that? Cause this is actually a social discussion. Is it 6 jobs, is it 100 jobs, is it 500? Is it 1,000? And who is going to make that number? Who picks that number that how many jobs will lose because of loss of transit before we decide to act and do something to try to preserve it? I'm not so sure I want to make that pick of which number that is. But those folks, when they lose that job become a burden to other social services don't they. They are in the unemployment line, they'll become social burdens to other systems like food pantry.

Right now, currently the demand response service providers that are out there are receiving hundreds of calls, almost daily, as to what to do for transit rides just for the lost of NICA alone. That's just one component. There is also the fixed route system. Hammond' gone by June. There are an awful lot of rides being serviced in Hammond. Totally in Lake County, there are 1.7 million rides a year. The local revenue is \$5.4 million currently, that garners State and Federal revenues of \$5.8 million dollars.

Once you start to process or reducing local revenues, a cyclical effect occurs because as you reduce your local services, your Federal and State dollars will reduce again. It takes a little time to catch up for it, but it will be reduces. So as you shrink to your size of services being provided, to try to at least saves something, then your State and Federal revenues will drop, then the process will start again. You will shrink your services because you have less money to deal with, the process starts over again.

Now we all know the RDA helped, with the Parsons Brinkerhoff doing the study to review the transystems study that came up with better numbers in consolidation. But it's not the only answer. There are additional revenues that are going to be necessary in order to make this thing work. We are in the process right now in doing consolidation plans. We are discussing with Cities, right now how to consolidate these bus systems. We've done exactly what the RDA has asked us to do in November. Start with the discussion process and try to get it done by June to consolidate the three fixed routes, and we're working on it.

Mr. Brown then showed a video.

Mr. Brown asked is the Food & Beverage tax the right tax for the right purpose?

The Indiana Legislative Service Agency or LSA produces a yearly report of the Food and Beverage distributions throughout the State. The LSA Fiscal Year report of 208 identifies 25 counties and municipalities that impose this tax a

various levels between one and two percent. According to the LSA report just over 66 million is currently being raised using this form of tax. The uses are varied, they include public parking, sewer, water and drainage facilities, coliseum improvements, tax levy reductions, capital improvements, city hall renovations, police and fire facilities, civic centers, general fund uses, and any other legal/corporate purpose. Those are in the law, those are the current uses of those taxes.

Of the total 66 million raised, 55.4% of the revenue or \$36.5 million is used for property tax reductions, water, sewer, drainage and park facilities, general fund, and any other corporate purpose for those municipalities and counties that have imposed that tax. 44.3% or \$29.3 million of the revenues raised are used for coliseum stadium and tourism activities in three jurisdictions: Fort Wayne, Evansville, and Indianapolis.

The only current use of this tax for transportation initiatives is in Central Indiana. Some of the collar counties that adopted the Food and Beverage Tax to help support the new Lucas Oil Stadium use a portion of their revenues to fund the operations of the Central Indiana Regional Transportation Authority.

The Greater Indianapolis Chamber of Commerce recently released its 2009 legislative agenda called: "Forward Momentum: Confronting Today's Challenges to Ensure Tomorrow's Success". Their Chamber President Roland Dorson stated in the "Inside Indiana Business.com Report" "We want legislators to view mass transit through a new lens, thinking not only in terms of traffic congestion, air quality and workforce mobility, but perhaps more importantly, how mass transit can spur economic growth in the region".

Some think that this is going to affect the Hospitality Industry in Lake County, it's us, the people that pay the tax. My family last year spent \$4,850 on Food and Beverage purchases in taverns, bars, and restaurants in Lake County alone.

I have attended four different committee meetings down at the State of Indiana this session, this fall, for the special committee. Two for Mass Transit, and two for Joint Budget and Finance Committee. All the legislators throughout the State said two things:

1. You must have some type of local funding source in place prior to coming downstate to ask for help, and
2. If you do not use the options already provided to you, do not bother to come back.

I don't mention this to make any type of diversion in this discussion. I say it because I believe there is truly the ability this year for the State Legislators to help all Transit providers in the State of Indiana with additional new source of revenues provided you have the local sources that are necessary and required to do so. Do we wait for some form of State Legislation to come forward? Typically we normally would and we could, but that does not eliminate the immediate

problems with the current loss of reduction of transit services in Lake County.

Speros Batistado, President and Chief Executive Officer of the State Agency known as the South Shore Convention and Visitor's Authority said that the South Shore Hospitality industry has been trying to have an accountable discussion of the proposed Regional Bus Authority plan for some 3 years. Three years since my return. We heard a lot of numbers today, and I have documents of where those numbers come from, and I'd like to engage you in this dialogue. First of all, not one penny of property tax goes into what we do. We are an \$840 million dollar industry in Lake County, Indiana alone, when combined with Porter and LaPorte. We are the size of Marion County producing \$1.4 billion dollars in sustaining 40,000 jobs.

Those are not fancy high priced \$625,000 dollar studies. I don't come today with the head of the RDA, the head of the United Way, College President, a former retiree from NIPSCO. I don't have people here to make my argument, my industry pays me to make that argument for them. My industry right now is too busy being in their restaurant eating out and living on maybe one and a half percent, if their restaurant is doing real well right now because that's the kind of market we're in.

Mr. Prince and Mrs. Franklin are in a community where they've seen 2 absolute benchmark restaurants close in the last year, Ming Ling, and Beach Café. If buses are such great economic development, and they are so full of customers and employees, I'm going to ask how come Gary's two benchmark restaurants, outside of Miller Bakery Café have closed.

The economic development argument for busing in this community is hollow. Our industry is not without a conscience. We believe that there are people who need transportation, but the study's, if you take the time to read the study's, that are quoted, not once in the \$625,000 dollars study that says there is a 500% latent demand for bus rider ship in this County, not once do they buttress that with any fact based in economics.

People over here that have failed to make an argument for nine years, first they don't want to consolidate, then they do want to consolidate because the RDA told them they have to consolidate. Quite frankly, I can't keep up with the shifting argument that comes out of the RBA because they have no economic plan.

So what do I have today, other than buttons? I have the righteousness of the argument, and I have the taxpayers because you know what, they don't want a tax right now. They don't want a tax for Convention Center, they don't want a tax for road, they don't want a tax for anything. They sure don't want a tax for 1% of our population.

Where do I get that number because you're not going to find it in \$655,000 dollars of reports. The gentleman that gave me that number was at a forum meeting.

I asked Kenneth Dallmeyer, former head of the RBA how many unique discreet riders get on a bus in Northwest Indiana? Finally his answer was 1% of all the households in Northwest Indiana use buses in this community. 99% of the taxpayers in Northwest Indiana do not get on a bus. Again, it doesn't mean that buses aren't important. It doesn't mean that I don't have a social responsibility to this gentleman to get on a bus. What it tells you is, 1%, and you want to tax my industry, which by the way isn't located in Gary, and I live in Gary. I pay property taxes in Gary. This is a classic tax shift to prop up and bail out North County bus systems, and you're putting it on my industry. 25,000 paychecks, that for every 1 million, you take out of our industry 46 paychecks disappear. I don't know where the chairman got his numbers, but let me read to you the Sheldrake Report, and I urge all of you to thumb through it.

For every \$46,000 dollars spent by a bus system, you will create exactly one job. If we spend \$7 million dollars locally on buses, we create 140 jobs according to the Sheldrake Report. We lose 319 in restaurants, a net loss of about 180 jobs. This is job creation? No, No. This is job elimination. There has been a failure of transparent communication by the RBA to identify the real number of discrete users, and I assert to you until such time they put it in writing, it's 1% of households. During the time the gas prices were at an all-time high, at \$4.00/gal., and we were spending 12% more in this community promoting buses. Bus ridership went down 33%. Where is all this latent demand, "we're going to increase rider ship 500%". So what is that, from one person on the but to five? No, the real number according to the \$30,000 dollar study that the RDA had to do because the \$625,000 dollar study was so bad, and I got chastised by the Chairman the other day. I will happily read you a number of paragraphs in here.

Let's start with the one that buttresses the entire \$625,000 trans system study. PB found the latent demand. The measure used in the original report is the basis for estimating major transit above current ridership levels, and I emphasize, is not an appropriate measure as determined by the transit industry to establish future transit ridership.

PB estimates that under a unified system, the appropriate starting place for demand is an increase of at most, 10%. Sounds a little different than the big ole report that said 250 to 500% new riders of latent demand..

Also in here it says, they can do what's being done now with the same resources. We don't need any new money. I urge you to read the document because I have. I've spent hours, I'm not here, with my little cup with change begging, I'm not here with a shifting argument that has gone from we do, we don't, we may, we might. I'm here to tell you, if you want to put people out of business, you want to shut restaurants, pass this tax.

The TranSystems Study, I love this because I re-read it. Dennis Rittenmeyer takes so much offense to this, based their example on how we should base our bus system on the following variables, and I can only think if I came to you to say

“pass a tax to build a Convention Center based on population, service size of the area, climate, and the fact that we are the shadow of Chicago”. They did not address anywhere in the \$625,000 dollar study, that I have right here, that I’ve gone through repeatedly, things that I think that you’re interested in, as an elected official, income, age, education, pedestrian infrastructure, job density. Where is it? The average number of cars in a Lake County household, 2.64. Please tell me who is going to ride these buses? I don’t see it. The legislature has said yes to the use of this tax to the RDA, I asked them the other day, your own law, if you care to glance through it.

The RDA passes this tax and they levy a bond that’s got to go to pay for bonds, that question remains unanswered. They are likely going to be back before you begging for yet another “bailout” for buses. This is the wrong project. They have not made their compelling argument. This is the absolute wrong time to put a new tax on our people. I wouldn’t ask for it for Convention center. Our industry doesn’t want it, the taxpayers don’t want it. These Mayors don’t want it, and there are going to be more and more of the people in your district that say we don’t want it, and finally it is the absolute wrong tax. You want to see why Indianapolis is thriving, they are building stuff. We’re going to have the Olympics here, we’re going to be able to build stuff, we’re going to be able to bring people here, and you guys are going to have our hands tied because you’re afraid to use the tools that you had in your drawer for 35 years. Pass a COIT, pass a CAGIT. If this is such a great economic development, pass a CEDIT, but pass a tax that hits everybody fairly, pass a tax if it’s the right thing, and have the guts to do it, don’t pawn us off because the RDA says it’s politically convenient because they do say that, including its’ Chairman and other members, and they will tell you that. I respect being here today, I’m sorry that I’m on the other side of an issue from some of you, because you’re my dear friends, but this is wrong. This is the wrong tax at the wrong time, for the wrong project.

Franklin said I can appreciate the dialogue that’s gone on this morning, and I have to compliment the people from the RDA, and the RBA for taking the time to come before us, with all the negativity, as it relates to every other agency. I think here, we are talking about facts, and making decisions. We’ve not done that today, we’ve listened patiently, and I am of the mind when it comes to taxes and dealing with people, it’s not the “my”, “I” concept, it’s the “we”, and I have a big problem with the “my”, “I”, so I listened very patiently, and one of the things that was said that struck me was something that I have constantly said since I’ve been on this Council. I don’t care how many persons are relieved of their jobs, it becomes a problem. Yes, what happens is and someone eluded to it, that they end up going to other social service programs. I was glad to hear that because I’ve sang that song for a long time. They do, they end up going to the unemployment agency, if they have children, they have to go to public assistance, Township Trustee. These are the entities they have to fall back on for support. When it comes down to public transportation, it is something that is a dire need throughout Lake County, and understandably so. My concern, and I’m not prepared to vote on any of it, is that someone has to convince me that the handicapped and the senior citizens’ needs will be addressed in a proper

manner. Northwest Indiana has lost its funding for that kind of a bus services. They no longer can provide it. There has to be a mechanism to support those most in need, and those are the homebound senior citizens, and your handicap people that have to get to the grocery store, and the doctor. This is a service that has been provided for years. I sit on the Board of Northwest Community Action, and I was a former employee of one of the entities that was under the auspices of that agency for 32 years, so I do understand, and I do know the needs of transportation, and affordable transportation for the persons that we represent.

My community is in the City of Gary, I do not know why Ming Ling' and the Beach Café closed, but I do know that they had a lot of parties out there all the time. I don't know if it was because of a lack of funding, or was it that the community got disenchanted with the food. I'm not sure, but I know that before I'm willing to move forward, Mr. Chairman, and supporting any of this, is that I need to have an opportunity to really read the information, digest it, and for me, I have to feel comfortable that the people that I represent, and that is basically my handicap and senior citizens, are going to have transportation. Am I disenchanted with transportation as it is? Yes I am because any time you leave my community, and you've got to ride over to Woodfield Mall, you can't even go up into the Mall. They have to get out on the side of the curb, if they ride the bus, or they have to cross a busy highway to get to the store. That's a problem for me. So, at a later date, and I'm hoping that we don't try to vote on this today, so that we all can have an opportunity to digest this further, and with the council members we dialogued with, it's not something that we need to rush through.

Cid said my feeling is, I think we are going through this all the wrong way. I feel that we're talking about there is no economic growth on the north end of the county, so we need buses and that to get people to where the jobs are on the south end of the county, and the restaurants, and all the businesses. I'd like to see us talk about economic growth on the north end of the county so that our people don't have to travel 30 miles to those jobs, and take care of business, so I think we should talk about economic growth, and then buses, and trains will fall in afterwards. I think that's what we should be talking about.

Dillon said I've taken the position already in support of funding for public transportation. I'm from the City that's losing their funding, due to economic hardship, so for us in Hammond, it's more of a serious situation because it is, in fact, going to affect us in the next few months. I don't agree with the Visitor's Bureau, the South Shore Convention Bureau' CEO, Speros Batistados as it relates to his position. I'm of the position that this is the right time, the right tax, for the right reasons because it is an emergency situation. I know they want to use the monies for a convention center, but that would be years down the road. In the meantime, you'd have no bus service if we don't do something to help them. Also I've not seen a convention center with conventions without a public transportation, or mass transportation system in place, so why is he pulling the cart before the horse, I mean you've got to have a mass transportation and public service busing system to take people back and forth to conventions, if you

build a convention center. Also just a couple of more comments, it seems that the representative from the Bureau is burning bridges instead of building bridges. You hear the RBA gets beat us, the RDA, the Convention, us, the elected officials, and everybody, and at some point, that dialogue is going to have to quit. And they are going to have to come up with the philosophy of start building bridges instead of burning bridges. So I'm personally kind of offended with that, but that's my position.

In conclusion, I want to add about what Council lady Cid said about lakefront development, and I have a packet that I'm going to pass out about a water taxi development program on the lakefront that goes for, and any documentation to support that of other water taxi services throughout the Midwest that goes from gaming vessel to gaming vessel from Hammond to Michigan City, stopping off in the Dunes, or having tour groups at the mills, and that type of thing, and from a water taxi fee, a head tax or a fee of some sort, we could re-use those monies to lower the taxes or build the convention center, or for some other use. I'm going to present the Convention Bureau representative, with a packet with ideas of how to generate some new dollars, instead of beating up on all of us for trying to do the right thing with what we've got to work with, in an emergency situation.

Prince said just a couple of brief comments and I'd like to hear from the people who are here to speak. I'm not going to attack anyone's presentation, I can appreciate Mr. Batistatos. We've had some interesting dialogue in the past about a particular issue that we were on different sides of the aisle. Tax abatement was the issue, as it relates to Gary, Indiana, and I think that this conversation is somewhat similar to that.

Prince said I support the initiation of this tax, primarily for a specific reason. Speros mentioned that 1% of the riders in Lake County, or the citizens of Lake County actually ride the bus. I would just submit a conservative estimate that of that 1%, 50% of that is probably comprised of the residents that reside in my community, and the residents in north Lake County. I understand that I'm a Lake County Council person, but I also represent a particular district, and at the end of the day, I have a direct responsibility to ensure that those constituents are represented.

As it relates to public transportation, and a tax, or this particular tax, he also mentioned that we should consider some of the options, the income tax options, I do believe he mentioned, and we never, at least as far as I've been on this body, had an opportunity to even engage in that particular discussion, but that is also another tax that I would more than likely take a serious look at supporting, primarily for the reasons of continuing to support government, in addition to that, it's the tax that most counties in Indiana have adopted, and every time that we get ready to consider, or ask the State, or at least make an approach to State Officials for any type of relief, that's one of the things that's always thrown back in our face is when are you people, or your particular end of the State going to help yourself? I find the whole notion that he suggest, that we should consider one of those tax a little interesting, just based on the people that are along with

Mr. Batistados. I would just a minute, if I'm wrong, I would certainly want one of them to get up and correct me, at the public meeting. I would just suggest that the people who are accompanying Mr. Batistados, certainly if you asked them candidly probably wouldn't support a option income tax either. So again it comes back to who is going to be served here, and who's responsibility is it to ensure that all segments of the community are served. We do have an existing need to public transportation to ensure that all segments of the population, handicap, seniors, low income people are serviced, and from my perspective again, the majority of those people reside in the northern end of the county, and those are the people that I would imagine, are sitting on this side of the room, and that you will hear from at our public meeting, and I'm definitely eager to continue this conversation.

I'm pleased that we are going to, or I think we are going to call for a deferral today, so that we can establish a special meeting, and seriously approach this, hear both sides, and at the end of the day, there are always going to be opposing positions on it. You are going to have people who want it, people who don't want it, it's our responsibility as Council persons to absorb all of the information that is disseminated today, and then to make a final determination, and be able to live with the decision that we make, and knowing, or at least feeling wholeheartedly, that you've done your due diligence in representing all constituencies.

O'Donnell said we have to talk about this. We have to get this issue out in front. We have Dennis Rittenmeyer, we do have a College President for free who has put in thousands of hours. Steve Adik, our Vice President of the RBA, I didn't know where Steve worked, but free, he didn't cost us anything. Lou Martinez is a big advocate of public transportation, he charges nothing, he's free. Reverend Harris is free. These people dedicate thousands of hours over the last 7 years to this, it's something that they believe in. It's become an issue of social justice at this point. It is like the "one region, one vision", suggestion that is coming forward in this county. Nobody complained, that I heard, for ten seconds, when Mitch Daniels imposed the 1% sales tax, because that was going to allay all of our concerns. Nobody said one thing, that I heard, and now all of a sudden we have a \$800 million dollar deficit, as I understand it, at the State level.

Didn't we benefit from our property taxes? Yes, they took schools, and they took welfare off, and everybody here got a substantial reduction in their property taxes, other than my good friends in Miller who already get a substantial reduction because of the 2% circuit breaker. So there's lots and lots of things that need to be chatted about here. Not because I don't ever drive a bus, or I live in a nice community, or you live in a nice community, or whatever, it's because people alone, can't afford to pay for a bus. Just like they can't afford to pay for their own policemen, or their own fireman, or their own garbage man. We do that as a society, that's what the costs of living in a civilized society is, we pay for services together, communally that each of us can't afford to pay for by ourselves. 2.84 cars in my garage, I've got 3 of them, and there are 2 drivers, and somebody said on the radio show recently that they bet I'll never ride a bus,

and that I'll never have it come to Briar Ridge. They are probably right. But that doesn't mean I don't know lots and lots of people who need that transportation to get to work, to get to the Doctor, to get to the store, just so they can buy food for their families. So, we need to talk about it my friends, and we are all going to go home, and be friends when this is done. I will probably go out for a drink with my friend Speros, later this week, if he will have me, and we will have a good conversation. It will be heated, we each have our own opinions, and we are going to leave, and shake hands, and be friends, and that's what I want all of us to do. People we need to get together and help these people out, and if it's economic development, maybe it is, but if a thousand dollars creates one job, or a thousand jobs, or if a million dollars creates no jobs, I don't know it will do, but what I do know is that people can't get around. They can't get to the services that they need, and we have an ability here to do it. Is it a seven million dollar tax, is it going to cure all of our problems, of course it's not, but I wanted to bring this forward, and now I'm killing the messenger because I want to bring this forward and talk about it.

O'Donnell said that one of his constituents wants to talk about it. Dave Kuziak.

Bilski said we have two Mayors here, and he would like to recognize them before we close this. Bilski said he is very appreciative for hearing both sides. Bilski said I do support public transportation. At this point in time, it's how it's funded, what's the plan, and what other uses can this revenue be for, and that's what I'm looking at. I think that everybody kind of stood here and gave testimony to that, I wasn't quite sure of the direction we were taking today, but I do know that we have roads that are in dire straits. I have 2 Mayors that are scrambling, trying to come up with overtime hours to pay for snow removal, salt tripled in costs. So there's a lot of uses for a lot of revenue, and I think we have so many other issues out there to deal with as well. I did appreciate what Speros said about the funding sources, the 1%, the fact that they could maintain buses for special needs, and I mean special needs either physical, or by age, or by economic status for transportation purposes, that's great. They would need the money then, so there's definitely some numbers that we would have to look at, and that's pretty much what I'd like to say, but I would like to turn it back to the floor to at least hear from some of our folks.

Raymond Fletcher said that while attending college, I had a horrible accident in which I rolled my truck four times, and landed upside down in a ditch between the north and southbound lanes of I-65. Had it not been for NICA, I would not have had the ability to return to school and complete my education, and get my college degree, so we definitely need transit.

He said that transit is an essential service in Northwest Indiana. A service which needs to be improved and funded responsibly. Supporting public transportation does not mean you need to be in favor of a new tax, and being against a proposed tax does not mean you are against public transportation.

That's why I'm here to unequivocally oppose this Food and Beverage Tax and

the RBA, and here's why:

1. In my opinion, the RBA has already mismanaged millions of dollars. They threw away three quarters of a million dollars hiring for only 2 positions. A Consultant, and a Marketing Director, while at the same time refusing to work with people who regularly utilize the system. They are quick to offer up their sympathy but slow to accept even a nickel' worth of free advice.
2. The decision to continue with contract for dispatching services when the agency announced they would be discontinuing transit service is not fiscally responsible.
3. The RBA is not an elected body, yet they are responsible for millions of dollars, and taxpayer money, with no form or fashion of recall, or the ability to vote and opposition to their actions.

I'm not the only college graduate, disabled individual, or area resident, who relies on public transportation, but apparently to the RBA, everybody doesn't count. I have more faith that I would grow arms, stand up and walk out of this wheelchair in front of you, than I have in the RBA' ability to effectively and responsibly operate any form of public transportation in Lake County, or anywhere in the State of Indiana for that matter. That's why I implore you to vote no on the proposal before you. Voting against the proposed tax, does not, I repeat, **voting against the proposed tax does not mean you are against public transportation.**

Finally, I took it upon me to organize a working draft, and I present it to my Councilman, Ernie Dillon of recommendations that could be done at zero cost to improve the efficiency of public transportation.

I am not submitting a \$675,000 dollar bill to you either for my time. My services were free.

Dave Kuziak, 8414 Northcott, Munster, IN. said I didn't really know what I was getting into when I came here, I just wanted to give my opinion. It was very evident as to what happened earlier between the 2 factions arguing over the 1%. It reminds me of most things that go on downstate, and that's exactly what happens, why we get nothing from down state, because as long as they can break us apart, we will continue to ask for just the small amounts that we get. This is the same argument that's going on right now, with the flood that's affecting the residents along the river. We are being asked for a local match. Congressman Visclosky has his millions, the Governor is saying we are going to get \$1 or \$2 million, talk to the RDA, talk to this group, talk to that group, but until we together come together for a solution, we are going to be fighting fractions, this group against that group.

The reality of it is, as a business owner, and as a concerned taxpayer, I believe the pile of money that we have in Lake County from our taxes is sufficient. We have to start, these are micro-arguments that we are having with each other. We need to look at macro-solutions. How are we delivering our services, how are we setting up our governments. We have governments set up throughout this

county, some areas, East Chicago at it's high had 65,000 people. They are down to 30,000, but we still have 1,000 employees. Hammond was 107, or 117,000, they have 80,000, and they still have 24 schools. We had 24,000 students in the City of Hammond at one time. It's down to 14,000, but yet we still have the same number of structures that we're putting together. These are the things that we need to look at collectively so that we can sit down. There's enough smart people. I look at this group over here, I look here. There are so many smart people here, that if we just got together, and worked together to try to, I believe in buses. I wouldn't have graduated from Bishop Noll. I took the bus. I took it at the Med-Inn, and went and took it downtown and sat there for a transfer, and took it to Bishop Noll. I believe in buses, but I believe that we can efficiently, and effectively look at how we use our tax dollars, so we can solve the flooding issues, we can get buses, and we can do everything that the residents of Lake County are asking for.

Mayor Brian Snedecor of the City of Hobart wanted to state that I am not here with any one group. I am present for the City of Hobart and representing my constituents. Just like you, at the Council, you are here to represent the constituents of all Lake County, not just your districts. You have to make decisions that's in the best interest of the County as a whole, and I would ask you to keep that in mind when you make your decisions. First, I want to thank the RDA, and the RBA for the work they have done. They are a diligent group, and I commend them for their efforts. Dr. Rittenmeyer is a dear friend, and I know they've worked hard on these efforts. However; I can not support this. We all know the economy, the jobs, the foreclosures. People can not make, right now they are having problems paying their property taxes. This is not the right time for this. The Governor has forced local municipalities to find other sources of revenue invoking user fees at the core of just providing basic services as communities. I echo Councilman Bilski, your comments are well taken, as it relates to the municipalities and the struggles we are having.

I'm a smaller community. I don't have a casino. I have to make do with what I have before me. It's a difficult task. I do have a large area of retail corridor involving a lot of businesses that have or will be impacted by this Food and Beverage. I just had a huge business close, although it's not a Food and Beverage, this is the climate within what we're seeing right now. Valu City department store, an anchor store in a strip mall, closed its doors. Now that's not a food and beverage, I understand, but that goes back to the climate we are seeing right now in our economy. I urge you, I urge you, do not pass this tax. The real question is, is this tax fair and ethical? For our businesses, and constituents to be asked to pay this new tax at this time, I think not. I urge you to not vote for this.

Mayor David Uran, City of Crown Point said that he heard the comment earlier today about the successes that the Council put forth last year, about one, first of all, one of your milestones where you didn't pass a tax last year. You sent the message right to the community that the message from our constituents is have to do more with less, and that's the message that I'm bringing here today. As

Crown Point is concerned, I echo the same sentiments as Mayor Snedecor. We've done that. We've cut \$3.5 million dollars off our budget in one year, and still continue to provide the services for our residents. I can't stand here and say I am going to support a tax now, to our constituents that, after we worked so hard to do more with less. I am asking you to do the same thing. The RBA, the RDA and the Visitor's Convention Bureau have worked very hard to protect their entities. I can appreciate that as well. I think there is another solution involved with this, obviously we don't have the venue today to discuss it. I think it's a collective share. Crown Point, East Hobart, all Lake County residents, we need to come up with a plan that benefits everybody because I'm for mass transportation as well, but we have to look at it in a different form. We have to look at it collectively as Lake County residents, and not just put all of the burden on the hospitality industry because they do provide a great opportunity for people who use their disposal income on an everyday basis, so inherently we have a problem that's been created with House Bill 1001 that has trickled down all the way through the Cities and Towns. I'm a resident. I appreciate the fact that we have House Bill 1001 because it's less on my property tax, but as an elected official, your hands are now tied and handcuffed, and we have to make great decisions that will not only affect today, but it's going to affect the future of Lake County.

So at this time, I do not support this tax, and I hope that you will work with all of us to open those venues and have the ability to come up with a plan that affects everybody equally in Lake County.

Dave Jurazinski, Lakeside Inn, Schererville, IN said to the Council, I urge you not vote for this tax. Economic times right now do not warrant a tax. We've seen it in the past. What has happened, we are not a convention center, like the City of Chicago that has 30,000 transients coming in spending their money in restaurants and that. We are taxing our own people. As an independent restaurant, our profit margin is dwindling. We're getting gas fuel sur-charges on all of our deliveries, the cost of advertising is skyrocketing. The amount of patronage that we do have now is depleting. People don't have the money to spend. All of our union halls are full of workers out of work. I am totally for busing, but this is not the time, economic time to do this. I also bring one other thing for you, Ernie, you are in Hammond, remember one thing. You are a district manager for one district, but look at the whole county. Look at it as a whole, not just your district. Like Fran DuPey did in the 1% County Tax, she lived in Hammond. Look at it as a whole, not just your district because you represent the whole county, not only your district.

Jim Formeski, Hammond, IN said he represent the Hammond' taxpayer' group. All of my friends know that every single time that I get up and speak, it's about what's good for the taxpayer, and when I talk about the taxpayers, I talk about 100% of the taxpayers. The presentations of both sides were very eloquent, but one thing that was missing last week I was promised repeatedly, that I would come here, and I would like what I saw from the RBA presentation, as relating to how they were going to make things more efficient. I did not see that. I did not

see a single part of their presentation that was specific as to how they were going to change the operational buses. They are going to make it a universal bus system. Universal, very, very big word. It has a lot of meaning, and I bet it has a different meaning to everybody here. I want to see the specifics, because do I trust these worthy people? No I don't. Quite frankly, in Lake County we've been led to believe generally, we can trust people. Have I learned to trust some of the people on this Council? Yes. Do I trust them categorically all the time? No. There are many, many issues that we see routinely, and we don't think in terms of that tax. It was stated, I think in Mr. Brown's case he said about \$48 dollars a year would pay for his share of the tax. I do a lot of fraternal organization meals and all, and when somebody is really in a bad situation, what do their friends do? They throw a dinner for them. Is that going to be taxed under this? I don't know, but that might add two or three thousand dollars a year that I'm spending, so my tax conceivably could be \$60 to \$70 dollars, instead of the \$30 to \$40 that might be projected. Just because we have gone part of the way through a mediating county government, we deserve a pat on the back. When I say we, I mean the (inaudible) members of the council, and this Council. They've done a really nice job of that. But do we want to turn our backs on that, and say, okay we've given the people a tax break so now we're going to charge them something else instead? I don't think that's what the citizens have in mind here. What are the limits of governmental societal responsibility? Doesn't that need to be defined. Do we have a societal responsibility to provide transportation?

Florian Boseka, Hammond a citizen of the 6th District said that I constantly think of the citizens, when I'm in front of this Council. When you process, you process, when you're doing your business it's so easy to think of your capacity, and the citizens are left out. I'm sure the RBA, and the RDA does the very same thing. They do their thing but the general public is left out. I would recommend instead of spending all these monies on studys, and I have to commend the gentlemen who are representing for free, I think that is remarkable, but once again, I would recommend that spending all the money on these studys, and all this heresay back and forth, why don't we just have vouchers for the people that need it. We can save millions of dollars. The process could be very simple, with a handful of people managing it, and those needing it would get their service.

George Janiec, said you are talking about passing on First Reading a provision for a tax. I haven't seen one piece of paper that says one thing about the specifics. Who's going to spend it, how it's going to be spent, so before we go any further, let's table this thing.

You are asking me as a taxpayer, of one of the highest tax rates in this County in the State of Indiana, where this Council had the audacity to move forward from economic illiteracy (inaudible) to tax myself out of a problem, in bad economic times, you want me to tax myself out of a problem, when I'm subjected to all the same problems of the economic disasters that we're seeing forthcoming? I think that's exactly the wrong attitude to take.

You are asking me to invest as a taxpayer, my money to a tax for a bus company, a bus company that is run by a college president, and a former town manager. I'm not (inaudible) their integrity, can they learn how to do it, absolutely. I can learn how to run a football team, after watching Sunday football, after spending tens of thousands of hours doing that, and come up with the right solution. That doesn't mean I have the accreditation to do it. If you don't think so, see if Metro and the RTA, next door in Cook County have those kinds of experience and credited individuals running their bus company. If you're asking me, this tax is doing nothing more than asking us to invest in a business that's set up to fail. Until we can come up with something more concrete, because this project has to be successful from day one. We don't have the luxury of waiting 4 years (inaudible-someone is talking at same time).

If this thing is now successful from day one, it's going to be another "black eye" upon the county, and upon elected officials, and expenditures, and we are just going to (inaudible) that stereotype.

Franklin made a motion, seconded by O'Donnell to defer.

Bilski said there are 2 more people who wanted to speak.

Motions were withdrawn.

Craig McFarland, President of the National Federation of the Blind, Gary Chapter who said that to eliminate transportation would hinder their independence.

Steven Cyrus representing everyone with ADA Class Action litigation, which has been ongoing in Lake County for almost a decade. The thing that I haven't heard yet is what the RDA intends to do, and how the RDA intends to comply with the provisions of the (inaudible) that would like to take over transportation services. There are specific obligations that are imposed on the transit providers that have not been complied with. We are prepared to go into Federal Court to compel them to comply with those provisions, and they elected to cease services. So we are diligently evaluating how the RDA intends to comply with the provisions, if it takes over transportation services. I think if you are going to defer this and have further comments on it, I would sincerely recommend that you ask the RBA what they intend to do with respect to Compliance.

George Haney, said I represent the taxpayers of Lake County, and I urge you to vote against this. We are being taxed to death, and don't have the money to pay the taxes as it is now. Listening to both sides, personally I think there's too many boards and committees. Maybe you ought to combine and consolidate those before they(inaudible).

Rev. Asher Harris, Pastor of Great Band Baptist Church, Gary who is the President of Interfaith Federation Northwest Indiana. Rev. Harris said I urge you to pass this tax, because it is a fair tax. Everybody pays 1%, if you go to

McDonalds, or if you go to a steakhouse. The poor will pay into the tax, as well as the rich, no matter who you are. All of the persons that eat out anywhere will share fairly in this tax.

It is also important that you pass this tax, for the people of our region. People like this gentleman that stood up just a moment ago. People who can't get to the grocery store as it has already been stated, and forgotten because those that are doing well, I've got 2 cars, I don't need the buses, but I volunteer my time to help make sure that other people have public transportation, and it is kind of strange, and I don't mean to be taking shots at anybody, but it's kind of strange that one day someone is saying don't vote for this tax, but a few months ago the same person was sending information to my house so that they could get that same tax. So it's important that you do this for the citizens of Northwest Indiana. I represent people Gary, Hammond, East Chicago, Munster, Lake Station, people of every color, people of faith, so for the faith community because things will get better. We are at a low, yes we know that, but things are going to get better, and everybody will prosper and do well when they do so.

Theresa Torres said as the Director of an agency that advocates for the full inclusion of person with disabilities, I strongly believe that they should always have the opportunity to speak for themselves. As an example, Mr. McFarland and I may not agree on everything, but the only way he could get here today was something that I could assist in arranging, and it's important that we all do that, that we listen to all sides. That's the only way that we can move forward but all too often, it's not possible for my constituents to get places. For example it requires a 14-day in advance notice to get from one community to the next. And as of February 1st that won't be available, so I would prefer to here from those for whom access to public transportation is much more than a convenience, it is an absolute necessity; however, once again the people of northwest Indiana have been pitted one against the other by those who seem to profit from that division, through what we believe is a well planned and effectively clearly orchestrated crisis. We seem to be lined up into two camps.

If you recognize the need for regional bus systems, then you'll support the tax. If you don't support the tax, then you don't support the need for public transportation. North against South, rich against poor, and so it goes, and it's time for it to end, because either way it's proposed, tax is proposed today, it is certainly a losing scenario for our constituents, most of whom have the skills and abilities to be fully contributing members of our society, if they can just get there. However, it is just as important for them to be a part of the discussion, and that hasn't happened yet. We hear about all of the buses running around empty, and we hear about how many people need public transportation, and both statements are true. But at a time when other communities are working on collaborating and maximizing their resources, we've had to rely on systems where leaders are not particularly effective. I urge you as you continue discussing this, to ensure that people who are most directly impacted have an opportunity to provide input in this process, and merely by saying that we are having it at this time and some people can go, we need to talk about how to

ensure that you hear from them directly, not from me and not from the RDA , but from those people.

Ted Prettyman, Gary representing the Miller Corporation, said if you recall the State of Indiana back in 2006 told the County of Lake that you need to learn to live on the funds that you have, and there are ample funds up there, ample people paying taxes, and your stewardship of the money is in question, so we are going to cut off our support and see what you can do to take care of yourselves. Fortunately the Lake County Council has chosen to do this, with some aplomb, and I congratulate you on that. Unfortunately, several of the other tax entities have not attempted to do this who have not done well, so adding any additional tax to support this ineffective system that refuses to reform, is to me at a time when economic collapse is around us, is unconscionable, with all due respect.

Sandy O'Brien, from the Dune Land Sierra Club said as an environmentalist we look at things a little differently. This isn't just about helping poor people, or people that are blind and can't drive a car. It's about helping ourselves. We all benefit from a region that is encouraging better land use with public transportation, because public transportation encourages more dense land use and less (inaudible). It's very good for our region to have an effective efficient public transit system. Everyone benefits when the needs of the people that need to get places without a car are taken care of. Social and environmental needs of a region, if we attend to those, our region can move forward. That's what we need to do to have a progressive money making region, we have to take care of social and environmental needs. We can't just keep deferring and saying oh we can't afford this, you know, it comes back and "bites us in the butt". Lake County, we know has a very high criminal justice and police costs and all that. We are paying anyway, it's like pay now, or pay later. Let's be pro-active, and progressive and have a really good system that serves everybody, you know that quote about "confronting today's challenges to ensure tomorrow's success" is true. If we keep sweeping all this stuff under the rug, we're not going to get ahead, and regarding buses versus trains. Buses are where the big bang for the buck is. Buses are relatively cheap, way cheaper than trains, and they get people everywhere within the region, whereas trains they are only getting people to and from Chicago, and they are very, very expensive. That's what you really need a lot of tax for. This is relatively little tax money. People that say that we can do more with less, yes we can, but we've got to have some tax money to run the buses. Operational costs, you need some money for that.

Mark, from Eagle Creek Township which is way south of here where I'll never see a bus, and I'm just basically representing a taxpayer. I have some real serious concerns. I learned a lot of information today that I didn't know before, but I really have some concerns on the project itself. There is a lot of money being spoken about here today that is going to be taken from the hospitality and food industries to place over to the RTA area. I really don't feel that there is a plan for that. My biggest concern as a taxpayer is what happens in years if you pass it today, which you may not because of the deferral there is not enough

money and you need to go to 2%, or 3%? That's what I'm concerned about. I think there's a lot of information that needs to be studied, and I don't think today would be a good time, or decision to pass this tax.

Action

Franklin made a motion, seconded by Dillon to defer to a date to be determined, for this issue.

All voted "Yes". Motion carried 7-0.

There was a five-minute break after this matter.

In the Matter of Ordinance Establishing the Lake County Check Deception Collection Program Service Fee.

Franklin made a motion, seconded by Dillon to approve on First Reading.

Franklin commented that after all these fees are collected, she would like to see some of this money go into the general fund, if it's a sizable collection. She asked if that is feasible with all of that going into the non-reverting fund?

Barbara McConnell said that she believes that Attorney Szarmach indicated that it was better to do it in a non-reverting fund, and she did indicate that she was going to use this money for salaries.

Attorney Szarmach said that he set it up for the first ordinance to establish the fee, and the second ordinance establishes the fund, which determines where the money would go to.

On the second ordinance, I stated in the second paragraph, after the as follows, "that the money deposited into the Fund shall be appropriated by the Lake County Council to offset salary expenses in the Lake County Prosecutor's budget, or as otherwise provided by law", which means if you did not want to put it in to subsidize the salaries, you could transfer that money to the general fund, and then make an appropriation from the general fund to something else.

Franklin said my next question is have we set a fee, or is it something that they're working on?

Barbara answered, we set it at \$35 dollars.

All voted "Yes". Motion to approve on First Reading carried 7-0.

Franklin made a motion, seconded by Dillon to Suspend Rules. All voted "Yes". Motion to Suspend Rules carried 7-0.

Franklin made a motion, seconded by Dillon to approve on Second Reading. All

voted "Yes". Motion to approve on Second Reading carried 7-0.

ORDINANCE NO. 1307A

ORDINANCE ESTABLISHING THE LAKE COUNTY CHECK DECEPTION COLLECTION PROGRAM SERVICE FEE

WHEREAS, I.C. 36-2-3.5-3 provides that the Lake County Council is the fiscal and legislative body for Lake County, Indiana; and

WHEREAS, I.C. 36-2-3.5-5 provides that the Lake County Council shall pass all ordinances, orders, resolutions and motions for the government of the County in the manner prescribed by I.C. 36-2-4, et. seq. and

WHEREAS, I.C. 36-2-5-2(b) provides that the Lake County Council shall appropriate money to be paid out of the County Treasury, and money may be paid from the County Treasury only under appropriations made by the County Council, except as otherwise provided by law; and

WHEREAS, I.C. 36-1-3-8 provides that the Lake County Council has the power to impose a user fee reasonably related to reasonable and just rates and charges for services; and

WHEREAS, pursuant to I.C. 35-43-5-5, the Lake County Prosecutor is authorized to collect a service charge for making collections on dishonored checks in addition to the service fee collected on dishonored checks payable to local merchants; and

WHEREAS, pursuant to I.C. 35-43-5-5, the Lake County Prosecutor's Office has established the Check Deception Collection Program to make collections on dishonored checks, and pursuant to I.C. 35-43-5-5(e) desires to establish a service charge of Thirty-Five (\$35.00) Dollars per check.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That pursuant to I.C. 35-43-5-5(e), the Lake County Prosecutor is authorized to collect a service charge of Thirty-Five (\$35.00) Dollars for making collections on dishonored checks in addition to the service fee collected on dishonored checks payable to the local merchants.
2. That pursuant to I.C. 35-43-5-5, the service fee of Thirty-Five (\$35.00) Dollars per dishonored checks shall be deposited in a separate fund known as the Lake County Check Deception Collection Program Fund to be appropriated by the Lake County Council to offset salary expenses in the Lake County Prosecutor's

Office, or as otherwise provided
by law.

SO ORDAINED THIS 13TH DAY OF JANUARY, 2009.

LARRY BLANCHARD, President

ELSIE FRANKLIN

TED

F. BILSKI

THOMAS O'DONNELL

CHRISTINE CID

ERNIE DILLON

JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Ordinance Establishing the Lake County Check Deception
Collection Program Fund, a Non-Reverting Fund.

Franklin made a motion, seconded by Dillon to approve on First Reading.

Dante said that because of your oversight during budget deliberations, I don't have such an issue with non-reverting funds anymore. You guys have adapted really well to these user fee funds. As long as there is accountability as some juncture, I have no problem. In years past, you just randomly let them go through, but in the past year or two, you guys really tightened down the screws, and I have no problem with it.

All voted "Yes". Motion to approve on First Reading carried 7-0.

Franklin made a motion, seconded by Dillon to Suspend Rules. All voted "Yes". Motion to Suspend Rules carried 7-0.

Franklin made a motion, seconded by Dillon to approve on Second Reading. All voted "Yes". Motion to approve on Second Reading carried 7-0.

ORDINANCE NO. 1307B

ORDINANCE ESTABLISHING THE LAKE COUNTY CHECK DECEPTION COLLECTION PROGRAM FUND, A NON-REVERTING FUND

WHEREAS, pursuant to I.C. 36-2-3.5-5, the County Council shall adopt ordinances to promote efficient County Government; and

WHEREAS, pursuant to I.C. 36-2-5-5(b), the County Council shall appropriate money to be paid out of the County Treasury, and money may be paid from the County Treasury only under appropriation made by

the County Council, except as otherwise provided as law; and

WHEREAS, pursuant to I.C. 36-1-8-4, the Lake County Council may by ordinance or resolution transfer money from one fund to another; and

WHEREAS, the Lake County Council desires to establish by ordinance all funds within the County Treasury, from which appropriations and transfers are made; and

WHEREAS, the Lake County Council desires to establish by Ordinance a new fund, known as the Lake County Check Deception Collection Program Fund, a non-reverting fund for the deposit of the service charge collected by the Lake County Prosecutor's Office for making collections on dishonored checks pursuant to I.C. 35-43-5-5(e), and the Lake County Ordinance Establishing the Lake County Check Deception Collection Program Service Fee.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That the Lake County Check Deception Collection Program Fund (Fund) is hereby established, for the deposit of the service charge collected by the Lake County Prosecutor for making collections on dishonored checks pursuant to I.C. 35-43-5-5(e) and the Lake County Ordinance Establishing the Lake County Check Deception Collection Service Fee.
2. That the money deposited into the Fund shall be appropriated by the Lake County Council to offset salary expenses in the Lake County Prosecutor's budget, or as otherwise provided by law.
3. That any money remaining in the Fund at the end of the year shall not revert to the General Fund but continue in the Lake County Check deception collection Program Fund, a non-reverting fund.

SO ORDAINED THIS 13TH DAY OF JANUARY, 2009.

President

LARRY BLANCHARD,

ELSIE FRANKLIN
THOMAS O'DONNELL
ERNIE DILLON
TED BILSKI
CHRISTINE CID
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Ordinance Authorizing the Lake County Surveyor to prescribe conditions under which a person or entity receiving certain electronic data may use such information.

Attorney John Dull said that this is needed so that we can protect our GIS status, of people taking it, and using it for other purposes, and selling it.

O'Donnell made a motion, seconded by Bilski to approve on First Reading. All voted "Yes". Motion to approve on First Reading carried 7-0.

O'Donnell made a motion, seconded by Bilski to Suspend Rules. All voted "Yes". Motion to Suspend Rules carried 7-0.

O'Donnell made a motion, seconded by Prince to approve on Second Reading. All voted "Yes". Motion to approve on Second Reading carried 7-0.

ORDINANCE NO. 1307C

ORDINANCE AUTHORIZING THE LAKE COUNTY SURVEYOR TO PRESCRIBE CONDITIONS UNDER WHICH A PERSON OR ENTITY RECEIVING CERTAIN ELECTRONIC DATA MAY USE SUCH INFORMATION

WHEREAS, IC 5-14-3-3(e) provides that a political subdivision in Indiana, including Lake County, may enact an ordinance setting forth the conditions under which a person or entity who receives electronic data (DATA) may use such information; and

WHEREAS, the Lake County Surveyor has assembled and now maintains on a regular basis information in the form of electronic data about each of the parcels of real property in Lake County; and

WHEREAS, Lake County has incurred significant expense in establishing the

data and continues to incur expenses in maintaining the data which is supported in part through fees charged for access to and use of the data; and

WHEREAS, the public interest is served by the existence of a current database for real property parcels and the receipt of fees is necessary to maintain such database.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. The Lake County Surveyor is authorized to prescribe conditions per IC 5-14-3-3 under which a person or entity who receives certain electronic data from such office may use the information.
2. The Lake County Board of Commissioners is authorized to enter into a contract with a person or entity who receives electronic data concerning the use of Geographic Information System data including, among other terms, provisions that:
 - a. Lake County owns the proprietary rights and copyright in said data; and
 - b. Permit limited usage of said data, including derivative data and modifications; and
 - c. Bar certain usages such as selling, renting or giving away the subject data, reverse engineering or decompiling said data, or distributing said data to the public or third parties; and
 - d. Set forth the specific terms of the agreement and the remedies available for breach of the agreement; and
 - e. Bar a person or entity who uses information in a manner contrary to a rule ordinance adopted per IC 5-14-3-3 from obtaining a copy of any further data received under IC 5-14-3-3(d).
3. The Lake County Council per recommendation of the Lake County Surveyor is authorized to establish a schedule of fees for distribution of the data, with higher fees per parcel for requests on data for a small number of parcels and lower fees per parcel for a

request for a higher number of parcels.

4. Lake County Surveyor may update from time to time the contract regarding the above, as well as other related matters that are required to protect Lake County's interests in the receipt and use of electronic data.

SO ORDAINED THIS 13TH day of JANUARY, 2009.

LARRY BLANCHARD, President

ELSIE FRANKLIN
TED F. BILSKI
THOMAS O'DONNELL
CHRISTINE CID
ERNIE DILLON
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Plan Commission Ordinances # 2248, 2249, 2250, 2251, 2252, 2253, 2254, and 2255.

Bilski made a motion, seconded by Prince to approve Plan Commission Ordinance # 2248.

There were no remonstrators.

All voted "Yes" to approve Plan Commission Ordinance # 2248. Motion to approve carried 7-0.

**ORDINANCE #2248
OF THE COUNTY OF LAKE**

AN ORDINANCE TO AMEND the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a VARIANCE OF USE (Board of Zoning Appeals recommended approval .12/17/08).

BE IT ORDAINED by the County Council of Lake County, Indiana as follows:

VARIANCE OF USE owned and petitioned by BELSHAW ROAD, LLC, to allow a church retreat center that specializes in marriage counseling/leadership training on the following described property:

General Location: Located approximately 9/10 of a mile west of US 41 (Wicker

Avenue) on the south side of Belshaw Road, a/k/a 12107 Belshaw Road in West Creek Township.

Legal: The East 10 acres of that part of the following described tract that lies South of the centerline of State Highway No. 2 of the West 28 acres of the Northwest Quarter of the Northwest Quarter of Section 8, Township 32 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana.

HEREBY X BY THE COUNTY
COUNCIL
APPROVED DENIED REMANDED

MEMBERS OF THE LAKE COUNTY COUNCIL

LARRY BLANCHARD, PRESIDENT

ELSIE FRANKLIN TED
BILSKI
CHRISTINE CID
THOMAS O'DONNELL
JEROME A. PRINCE
ERNIE DILLON

Bilski made a motion, seconded by Prince to approve Plan Commission Ordinance # 2249.

There were no remonstrances.

All voted "Yes" to approve. Motion carried 7-0.

**ORDINANCE #2249
OF THE COUNTY OF LAKE**

AN ORDINANCE TO AMEND the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a VARIANCE OF USE (Board of Zoning Appeals recommended approval 12/17/08).

BE IT ORDAINED by the County Council of Lake County, Indiana as follows:

VARIANCE OF USE owned and petitioned by TRADEWINDS REHABILITATION CENTERS, INC., to reside in existing residence during construction of new residence on the following described property:

General Location: Located approximately 9/10 of a mile west of US 41 (Wicker

property:

General Location: Located at the northwest corner at 97th Court and Forest Street, a/k/a 9782 Forest Street in St. John Township.

Legal: Lot 187, except the South 97.7 feet, in Prairie Trails Phase IV, as per plat thereof, recorded in Plat Book 95, page 39, in the Office of the Recorder of Lake County, Indiana.

HEREBY X BY THE COUNTY
COUNCIL

APPROVED DENIED REMANDED

OF LAKE COUNTY, INDIANA, THIS 13TH DAY OF JANUARY, 2009.

MEMBERS OF THE LAKE COUNTY COUNCIL

LARRY BLANCHARD, PRESIDENT

ELSIE FRANKLIN
CHRISTINE CID
O'DONNELL
JEROME A. PRINCE
DILLON

TED BILSKI
THOMAS

ERNIE

Bilski made a motion, seconded by Prince to defer Plan Commission Ordinance # 2251 to 2-10-09.

Blanchard explained that there was information that we received, and we want to make sure that the Petitioner receives the same information, according to law. It was a very well prepared letter to the Council members, and it brought out a point that we do need a determination in writing, which we are aware of, but have not received yet.

Blanchard said that he spoke with the Plan Commission Director yesterday, and He said that would be forthcoming, probably by our next meeting on February 10, 2009.

Blanchard said that there is Case Law, when we receive information, it has to be shared with the Petitioner, as well, and we don't know if that has happened, so we are almost bound to do this, also receive some type of determination in writing from the BZA, as to why they denied it based on Section 36 7-4-918.4.

All voted "Yes". Motion to defer Plan Commission Ordinance # 2251 carried 7-0.

Bilski made a motion, seconded by Franklin to approve Plan Commission Ordinance # 2252.

There were no remonstrances.

All voted "Yes". Motion to approve Plan Commission Ordinance # 2252 carried 7-0.

**ORDINANCE #2252
OF THE COUNTY OF LAKE**

AN ORDINANCE TO AMEND the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a VARIANCE OF USE (Board of Zoning Appeals recommended approval 12/17/08).

BE IT ORDAINED by the County Council of Lake County, Indiana as follows:

VARIANCE OF USE owned and petitioned by STEVAN MICIC, to allow hobby farm in subdivision with lots being less than 5 acres in size on the following described property:

General Location: Located approximately 4/10 of a mile north of 141st Avenue on the east side of US 41 (Wicker Avenue) in Hanover Township.

Legal: The East 476.68 feet of the West 939.18 feet of the North 444.04 feet of the Northwest Quarter of the Southwest Quarter of Section 28, Township 34 North, Range 9 West of the Second Principal Meridian, together with the right of ingress and egress to and from U.S. Highway #41, over and upon an existing easement for a roadway to travel thereon, upon the South 60 feet of the North 200 feet of the West 462.5 feet of the said Northwest Quarter of the Southwest Quarter of said Section 28, in Township 34 North, Range 9 West of the 2nd Principal Meridian, all in Lake County, Indiana.

HEREBY X
COUNCIL

BY THE COUNTY

APPROVED DENIED REMANDED

OF LAKE COUNTY, INDIANA, THIS 13th DAY OF JANUARY, 2009.

MEMBERS OF THE LAKE COUNTY COUNCIL

LARRY BLANCHARD, PRESIDENT

ELSIE FRANKLIN
BILSKI

TED

CHRISTINE CID
THOMAS O'DONNELL
JEROME A. PRINCE
ERNIE DILLON

Bilski made a motion, seconded by Prince to approve Plan Commission Ordinance # 2253. There were no remonstrators present. All voted "Yes" to approve Plan Commission Ordinance # 2253. Motion carried 7-0.

**ORDINANCE #2253
OF THE COUNTY OF LAKE**

AN ORDINANCE TO AMEND the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a VARIANCE OF USE (Board of Zoning Appeals recommended approval 12/17/08).

BE IT ORDAINED by the County Council of Lake County, Indiana as follows:

VARIANCE OF USE owned and petitioned by DAVID & DEBRA CAREY, to allow one (1) storage container for personal use for a period of one (1) year on the following described property:

General Location: Located approximately 2/10 of a mile northeast of Burr Street on the south side of 109th Avenue in Center Township.

Legal: That part of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 12, Township 34 North, Range 9 West of the 2nd Principal Meridian, Lake County, Indiana, described as follows: Commencing at a point 105 feet East of the Northwest corner of said Northeast $\frac{1}{4}$ Section; thence East 310 feet along the North line of said Section 12; thence South along a line parallel with the West line of said $\frac{1}{4}$ Section to the South line of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 12; thence West 310 feet along the South line of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 12; thence North to the Point of Beginning.

HEREBY X
COUNCIL

BY THE COUNTY

APPROVED DENIED REMANDED

MEMBERS OF THE LAKE COUNTY COUNCIL

LARRY BLANCHARD, PRESIDENT

MEMBERS OF THE LAKE COUNTY COUNCIL

LARRY BLANCHARD, PRESIDENT

ELSIE FRANKLIN

TED

BILSKI

CHRISTINE CID

THOMAS O'DONNELL

JEROME A. PRINCE

ERNIE DILLON

Bilski made a motion, seconded by Prince to approve Plan Commission Ordinance # 2255.

There were no remonstrators present.

All voted "Yes" to approve Plan Commission Ordinance # 2255. Motion carried 7-0.

**ORDINANCE #2255
OF THE COUNTY OF LAKE**

AN ORDINANCE TO AMEND the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a ZONE CHANGE (Lake County Plan Commission recommended approval 12/17/08).

BE IT ORDAINED by the County Council of Lake County, Indiana as follows:

ZONE CHANGE from R-2 (One-Family Zone) to B-1 (Neighborhood Business Zone) owned and petitioned by **LAKE DALECARLIA PROPERTY OWNERS ASSOCIATION**, to allow a restaurant and bar on the following described property:

General Location: Located approximately 7/10 of a mile west of Clark Street on the south side of Main Street, a/k/a 4665 Main Street in Cedar Creek Township.

Legal: Part of the East 1/2 of the Northwest 1/4 of Section 12, Township 33 North, Range 9 West of the 2nd P.M., Lake County, Indiana, more particularly

described as follows: Commencing at a point on the West line of the East 1/2 of said Northwest 1/4 which is 790.36 feet North of the Southwest corner of the East 1/2 of the Northwest 1/4 of said Section 12; thence South 88 degrees 13 minutes East a distance of 190.08 feet to the point of beginning of the herein described tract, said point being in the centerline of Main Street, also know as County Road #D-4,; thence in an Easterly and Southeasterly direction along the center line of said Main Street or County Road #D-4, a distance of 420.96 feet to the Northwest corner of real Estate owned by Archie R. Huebsch and Doris C. Huebsch, husband and wife, per Deed Record 780, page 375, recorded May 14, 1947; thence South along the West line of said Huebsch tract and extending thence South 650.0 feet to a point 742.5 feet West of the Southeast corner of the Northwest 1/4 of said Section 12; thence West along the South line of the Northwest 1/4 of said Section 12, 170.6 feet to an iron pipe; thence at an angle of 74 degrees 32 minutes West to North from the last described course a distance of 372.45 feet to an iron pipe; thence at an angle of 96 degrees 20 minutes South to West from the last described course a distance of 295.0 feet to the center line of Main Street or County Road #D-4; thence Northerly along center line of said Main Street or County Road #D-4, a distance of 474.9 feet to the place of beginning, containing 4.38 acres, more or less, excepting a part of the above premises described as follows: Beginning at the Westerly point of the above premises where the center line of Main Street or County Road #D-4 intersects with the boundary line between the above premises and the real estate now owned by James O. Dickerson and Sarah Frances Dickerson, his wife; thence Easterly along said boundary line for 176.0 feet; thence Westerly 142.0 feet, more or less, to a point on the center line of Main Street or County Road # D-4, which is 48.0 feet Northerly along said center line of the point of beginning; thence Southerly along said center line to the point of beginning.

IS HEREBY
COUNCIL

X

BY THE COUNTY

APPROVED DENIED REMANDED

MEMBERS OF THE LAKE COUNTY COUNCIL

LARRY BLANCHARD, PRESIDENT

ELSIE FRANKLIN
CHRISTINE CID
O'DONNELL

TED BILSKI
THOMAS

JEROME A. PRINCE
DILLON

ERNIE

There being no further business to come before the Council, it was moved and seconded that the Council does now adjourn to meet again, as required by law.

County Council

President, Lake

ATTEST:

Peggy Holinga Katona,
Lake County Auditor

